IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

--oOo--

Coordination Proceeding Special Title (Rule 1550(b))

In re Tobacco Cases II — JCCP No. 4042

The People of the State of California, et al. v. Brown & Williamson Tobacco Corp., et al. (SF No. 996781),

And

The People of the State of California, et al. v. Philip Morris Inc., et al. (LA No. BC 194217)

DEPOSITION OF
DEBORAH SUPPLE
(Contra Costa County Office of Education)

Tuesday, April 11, 2000

REPORTED BY: ANGELA T. FISTOLERA, CSR 7811
#05-91941

I N D E X

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BE IT REMEMBERED that, pursuant to Notice, and on Tuesday, April 11, 2000, commencing at 9:31 a.m. thereof, at 333 Bush Street, 16th Floor, San Francisco California, before me, ANGELA T. FISTOLERA, a Certified Shorthand Reporter, personally appeared

DEBORAH SUPPLE

called as a witness by the Defendants, who, having been first duly sworn, was examined and testified as follows:

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APPEARANCES OF COUNSEL

FOR THE DEFENDANT BROWN & WILLIAMSON TOBACCO CORPORATION:

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--oOo--

EXAMINATION BY MS. BRITTMAN

MS. BRITTMAN: Q. Would you state your full name for the record, please.

A. Deborah Supple.

Q. Ms. Supple, my name is Shelley Brittman. We met. I represent Brown & Williamson Tobacco Corporation in this action.

And have you met with anyone to discuss what was going to take place at your deposition?

A. No.

Q. Are you represented by counsel?

A. No, I'm not.

Q. Okay. Let me go over a few of the ground rules.

The court reporter is taking down everything we're both saying. At the conclusion of the deposition, she'll prepare a booklet and it will have all of my questions with your answers. And you'll have the opportunity to review it to make sure that it's accurate and make any changes that you deem should be made with the admonition that any changes that you make in

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your
22 testimony can be commented upon at the time of
trial by
23 any of the attorneys representing any of the
parties.
24 Do you understand that?
25 A. Hm-hmm.
26 Q. That a "yes"?
27 A. That's a yes.
28 Q. Which brings me to the other ground rule
that's

5
1 important. And that is, all of your responses must
be
2 audible. An "uh-huh" or a nod of the head, which
we all
3 do, come out very ambiguous on a written
transcript.
4 It's hard to understand.
5 So I would ask you to use words to answer
yes
6 or no, or whatever words you want to use to
elaborate,
7 to answer questions. And I'll do my best should
you nod
8 to ask you "yes" or "no," and that is just to make
sure
9 that we have a record that accurately reflects your
10 answers to my questions.
11 It's also important for us not to speak at
the
12 same time. In ordinary conversation we'll talk
over one
13 another, but when we have a transcript, it's very
14 important for my full question to appear on the
record
15 and for your full answer to appear on the record.
16 So I would ask you that you allow me to
get my
17 full question out even if you know exactly what I'm
18 going to ask you. And I'm going to do my best not
to
19 ask you another question before you have had an
20 opportunity to fully answer.
21 Do you understand that?
22 A. Yes.
23 Q. The testimony that you're giving today is
under
24 penalty of perjury and has the same force and
effect as
25 if we were in a courtroom with a judge and a jury.
26 Do you understand that?
27 A. Yes.
28 Q. Okay. I may be asking you all kinds of

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1 questions that I have no real personal information
2 about. I may not be using the same language that
you
3 may use for particular things.
4 So if you don't understand what I'm asking
you,

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let me know so we make sure that we're talking about the same types of things.

If you answer a question, I will assume you've understood it. I can rephrase a question. A question can be read back to you. So at any point if you need to have a question rephrased, let me know. If you don't understand a term that I'm using, let me know and we'll figure out a term that we're both comfortable using and understanding.

I'm going to be asking you about things that have occurred in the past, and not all of us have the best memories when it comes to things in the past. "I don't know" is a truthful answer if, in fact, you don't recall what occurred in the past.

No one wants you to guess because that's not very helpful. But we are entitled to your best estimate. So if I ask you how many people did a particular activity and you have an idea and can give me an estimate, then that's fine. If you would just pull a number out of the hat where it would be a guess, let me know that you don't know a number, you cannot estimate.

If at any time you want to take a break to use the restroom, to use the phone, to think, whatever, let me know. This is not an endurance test. Okay?

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A. Okay.

Q. All right. Have you brought any documents with you today?

A. No.

Q. Had you provided any documents to any of the attorneys in this action previously?

A. Yes.

Q. What did you provide?

A. There was one pamphlet from the American Cancer Society that came. It was all about secondhand smoke. And so I had my secretary send it.

Q. And was that sent to Tim Terry?

A. Yes.

Q. All right. And we'll talk more about that.

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(Whereupon, Deposition Exhibit 800 was marked for identification)

MS. BRITTMAN: Q. At any time were you shown a copy of Defendants' Renotice of Taking Deposition of the Person Most Knowledgeable at the Contra Costa County Office of Education and Request for Production of Documents, which we've marked as Exhibit 800?

A. Yes.

Q. And you have a copy of that with you?

A. Yes.

Q. All right. And did you review that prior to coming here today for your deposition?

A. A little bit. Not in depth.

Q. Okay. I'd like you, if you would, to turn to

Exhibit B, which lists the definitions and documents requested.

A. Where am I? Is there a page number?

Q. Well, it's page number 1 of Exhibit B, but it follows the subpoena.

A. Here it is. I see it. Oh, yes, I read this.

Q. Okay. You read that. And did you understand that you were to bring with you any documents that were in the possession of the Contra Costa County Office of Education that were responsive to these document requests?

A. Yes. It was hard for me to find things that responded to the document request because we don't focus so much on -- in fact, we don't focus at all on environmental tobacco smoke, which is why I sent you the document that I did because that was something that came recently.

And I was -- it was hard for me to remember documents that had to do with that. I had looked through my files and I didn't see anything, but when that came, I knew that that directly applied to this request.

Q. Okay. What efforts did you make to find documents that were responsive to the requests outlined in Exhibit 800?

A. I looked through my files.

Q. Other than looking through your own files, did

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you look through any other files that could contain

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responsive documents at the Office of Education?
A. There aren't any. I'm it.
Q. What is your position with the Contra Costa
County Office of Education?
A. Curriculum coordinator. That's my title.
Q. How long have you held this position?
A. Five years.
Q. What are your responsibilities as curriculum
coordinator?
A. I manage several programs, mostly grants. The
Tobacco Use Prevention Education grant is one of them.
And the Safe and Drug Free Schools and Communities grant
is another. I also have a Team Pregnancy Prevention
grant. And I also am responsible for early literacy,
service learning. And another hat that I wear is I
coordinate the English language development program,
comprehensive health. And duties as assigned, other
duties as assigned.
Q. The responsibilities that you've outlined, are
those the responsibilities that you currently perform as
curriculum coordinator?
A. Yes.
Q. During the five years that you've held this
position, had those responsibilities changed at all?
A. Yes.
Q. How have they changed?
A. When I started -- let's see. It's hard to
remember.

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When I started it was -- I ran the Tobacco Use
Prevention Education program and the Safe and Drug Free
Schools program. That was it in the beginning; and the
comprehensive health.
And then I think about three or four years ago
they added the other responsibilities. And then the
Team Pregnancy grant, we're in our fourth year now, so
we didn't have that the first year. And there was a
Gang Risk Prevention grant in there, too, for a while.

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That came and went.
Q. Okay. We'll talk more about each of these individually.
A. Sure.
Q. What year were you first employed as curriculum coordinator?
A. 1995, July '95.
Q. Now, our subpoena did not name you personally but rather asked for the person most knowledgeable regarding the issues outlined in Exhibit A of the notice.
If you could turn to that, please. Actually, I think it's after Exhibit B.
A. That's why I got confused.
Q. I can understand that.
A. Okay.
Q. How did you come to be selected to be the person most knowledgeable regarding the issues outlined in Exhibit A?

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A. My boss, the assistant superintendent of curriculum and instruction, handed me the subpoena.
Q. And said?
A. And said, "You are the person most knowledgeable about tobacco issues in the county here in the office." And so she asked me to handle it from there.
Q. What's your boss's name?
A. Susan Magnone, M-a-g-n-o-n-e.
Q. And her position is assistant superintendent?
A. Of curriculum and instruction.
Q. Within the division of curriculum and instruction, is there a tobacco education program?
A. Yes, that's the grant that I oversee. It's actually an admin role that we play. I don't know if you're familiar with the California Department of Education's TUPE program, Tobacco Use Prevention Education, that's my role.
And what I do is I coordinate all of the TUPE coordinators from all of our 19 school districts. And disseminate information to them through the State Department of Ed and give them technical assistance in running their programs.
So it's more indirect tobacco education. I'm not actually directly educating children, but I do some teacher training and provide technical assistance.
Q. Okay. So you're referring to Tobacco Use Prevention and Education as TUPE, T-U-P-E?

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A. Yes.
Q. And that's the acronym for that grant?
A. Yes.
Q. And as you understand it, that grant is available to the various counties in the State of California?
A. It's available to -- there's an entitlement to school districts based on their ADA, that's an acronym for average daily attendance, for grades 4 through 8.
And then there are competitive grants for the high school. And a few of our high schools -- a few of our districts have those competitive grants, not all.
Q. And the high schools that have those competitive grants have applied for particular grant moneys?
A. Yes.
Q. And to whom have they applied for those grants?
A. The California Department of Education.
Q. Do you have a separate title or role with the California Department of Education?
A. County TUPE coordinator. And then I'm also county Safe and Drug Free Schools and Communities coordinator, SDFSC. And I'm also project director for the Team Pregnancy Prevention grant.
With each grant there's a different title, usually.
Q. All right. So as curriculum coordinator for the Contra Costa County Office of Education, do you have

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discrete responsibilities besides those that relate to your responsibilities for the TUPE and the Safe and Drug Free Community grants?
A. Yes.
Q. And what are those specific responsibilities related to your work with the Contra Costa County Office of Education?
A. The responsibilities separate from TUPE and Drug Free Schools is what you're asking about now?
Q. Right.
A. Yeah, I monitor -- actually, I direct the Team Pregnancy Prevention grant, which is a grant from the California Department of Education. And we use a program called Community of Carrying. It's a

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program
that was started by the Joseph P. Kennedy Foundation.
And it's a -- it's really a values-based program.
And the schools that I work with -- I work with three school districts on that grant. And they really, what they are doing is integrating five core basic values into their curriculum. They do team forums and they do service learning projects. That's one of the programs that I do.
And I meet with those folks once a month and support them in their efforts. We're like a consortium. I sort of lead the consortium. And we're the local lead agency on that.
Q. Okay.
A. The early literacy program, basically all I do

with that is support districts, teachers, curriculum coordinators, reading specialists. If they need research, if they need training, if they need technical assistance, they contact me. I broker services to them when I can, resources to them. And provide, you know, best practices and research-based strategies for that.
Q. All right.
A. The service learning project is -- we're just getting service learning off the ground countywide. And service learning really is community service tied to academic skills. It's like project-based learning. And we have now a new advisory board for that and we do training in that. And that also cuts across what I do with the Team Pregnancy Prevention grant.
The comprehensive health role is very limited because there's no funding attached to that. And I'm basically the one that, if anybody ever calls the county office with a question about, you know, AIDS education or nutrition, something like that, they call me and usually I refer them to somebody else. It's a very limited role, but they need somebody there to field those kinds of requests.
It's also to help districts implement the

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health framework, California health framework. And I forgot the last -- oh, the English language development. I'm just the liaison between a group of coordinators from the school districts that are -- it used to be called bilingual education, now it's education. They

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meet in our office once a month. I help them coordinate so they have a voice and a place to meet. I think that covered it, I think.

Q. All right. Other than the Tobacco Use Prevention Education grant, within the curriculum coordinator role, are there any other tobacco education programs in the Contra Costa Office of Education?

A. Yes.

Q. What are those?

A. I'm not responsible for them, but we have court and community schools that are actually part -- it's confusing. There are school districts and they have somebody else that runs that program, but they are like one of our 19 school districts.

In other words, an example would be West Contra Costa Unified School District is a huge district in our county. A small district would be Lafayette School District. Contra Costa County Office of Ed is also considered a school district because we have students we directly serve, but I don't serve them.

It's a confusing question.

Q. Okay.

A. My first reaction was to say no because it really is unrelated to -- you know, directly unrelated to the work that I'm doing, yet they are one of our 19 school districts. Does that make sense?

Q. I'll ask you some questions to make it make sense to me.

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A. Okay, good.

Q. Within the Contra Costa Office of Education, there are a number of individual school districts?

A. There's one school district that's connected with our office of education.

Q. All right.

A. And it's called Contra Costa County Office

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of
Education.
Q. Are there other school districts within Contra
Costa County?
A. Within the county, yes.
Q. And how many school districts exist in Contra
Costa County other than the one in which your office
addresses?
A. 18.
Q. The services that your office provides, is it
limited to the one school district that your office
governs?
A. No.
Q. What is the scope of the services that your
office provides with respect to the 18 other school
districts?
A. We really don't drive the services. Generally
speaking, the districts drive the services. However, in
the case of the TUPE, the Safe and Drug Free Schools,
and the Team Pregnancy grants, we are mandated by the
Department of Ed because we do receive some funds that
are sort of admin kind of funds.

Actually, that's true of TUPE and Safe and Drug
Free. Of the Team Pregnancy program, it's an actual
grant we applied for as a consortium of school districts
and we're the LEA, Local Education Agency.
There are different requirements there, but the
general services we provide are really at the discretion
of school districts to choose.
Q. All right. So the TUPE programs that you have
are available to the 18 other school districts should
they choose to make themselves -- strike that.
The TUPE program is available to the 18 other
school districts if they are interested in obtaining
those services?
A. Yes.
Q. But your office doesn't initiate any of those
services for those 18 school districts?
A. That's not exactly true.
Q. Tell me how that is incorrect.
A. We do initiate certain things based on

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feedback
and input from our school districts; however, there's no
mandate for them to participate. They -- they do sign
some assurances that they will participate, but we have
no way of forcing them to do so.
For example, if we have a training, let's say
we provided some kind of a training at the county
office, they can choose to come or not choose to come.
Q. You give them notice of the training?
A. Yes.

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Q. And do you respond to any requests from those
school districts to provide particular services?
A. Yes.
Q. And so if you are requested to put on a seminar
regarding a particular topic, then you would comply with
that request and put on a seminar?
A. Most of the time. Not always. Sometimes
it's -- you know, there are lots of reasons why we might
not comply. One might be we don't provide that kind of
a service. And so we might help them find somebody else
who does or we might just say, "I'm sorry, we don't
provide that service."
It might be -- there might be a schedule
conflict. There may be reasons why we can't provide the
service.
Q. Okay.
A. But if we are capable of doing it, we would
respond to that.
Q. In addition to the Tobacco Use Prevention
Education grant programs that your office facilitates,
is it your understanding that these 18 other school
districts may also have tobacco education programs for
their individual schools?
A. Yes.
Q. Is the Contra Costa Office of Education given
notice of the programs that these 18 other school
districts might do in regard to smoking education or
tobacco education?

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A. Not always.
Q. Are there circumstances where you have learned
about a program that you did not receive official

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notice
about?
A. Yes.
Q. Can you give me an example?
A. Well, yes, and maybe I need to explain a little bit more. In the past, every fall each district had to turn in a plan for our approval before it went to the Department of Education. And that meant that -- based on their entitlement for the grades 4 through 8 I'm talking about right now.
Based on the 4-8 entitlement, they had to tell us how they were going to spend that money in different categories; like what kind of staff development they were going to provide. If they were going to use any toward salaries, toward materials; what kind of materials. We were very specific. They had to be tobacco-specific materials. And this past year, that requirement changed.
And all they had to do this year was give us a budget to look at and we looked at the numbers to make sure that the numbers were all accurate. They did not have to produce that plan that they used to produce for us.
So that's why I'm not as aware, officially aware on paper about what each district is doing this year as I've been in the past. However, informally, you

know, the coordinators will share things with me like, "Oh, we did an assembly," or, "Oh, we did a training," or, you know, that kind of thing. It's more informal now than it used to be because the requirements have changed.
Q. If I'm understanding you correctly, each of the schools which address grade 4 through 8 get a certain amount of money each year for tobacco education?
A. Right, based on their ADA. They can turn the money down if they don't want to do the paperwork. There's a lot of paperwork involved, and so the really small districts can opt out if they choose.

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Q. So for those classes 4 through 8, at various schools, if they complete paperwork, they get a certain amount of money based on their ADA to offer tobacco education programs for those children?
A. If their applications are approved, yes.
Q. All right. And to your knowledge, who is in charge of approving or rejecting the applications?
A. It's the California Department of Education Healthy Kids office that have the final approval.
Q. And does your office have any role in assisting the 18 other school districts to prepare applications for this entitlement money?
A. Yes. We provide a technical assistance workshop where coordinators can attend. And we kind of walk them through the process of how to do the application.

And this year it was real different because it was only budget pages that we assisted them with. And then, you know, as-needed basis.
If somebody called me and had a question, I, of course, assisted them with their application. And that's part of our responsibility to do that.
Q. Is it a simpler method now or a simpler process to get the funds?
A. I wouldn't say so because it's a different process. It's not necessarily a simpler process. What makes it different is they don't have to turn in such a complex plan to us. They are turning in a budget to us.
But they must still really prepare this same kind of plan because they have to be able -- you know, when they are reviewed for compliance, you have to be able to show that they have -- you know, they can't just arbitrarily spend the money. They have to know they are spending this much on salaries, especially the multifunded positions. How do you show this much was spent on this project and this much on that project.
They have to be able to show they spent X amount on materials that were specifically used for tobacco prevention. They have to show, you know, that

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24 maybe they had a special training or program. So they
25 have to prepare them anyway. They just don't have to
26 give them to us for signature any more.
27 Q. All right. So let's go through the process.
28 School A wants to start the application process. And

22
1 what is it they first have to do?
2 A. They first have to meet with a group of people
3 in their community, what they call an advisory board.
4 And that advisory board helps decide how they should
5 spend the money.
6 It really should be data driven. And now all
7 of our districts will either already have or will be
8 administrating the California Healthy Kids Survey, which
9 surveys -- which looks for previous plans and also looks
10 at predictors of use and attitude. So it's an attitude
11 and behavior survey. And it not only surveys tobacco
12 but it surveys a lot of other health risk behaviors.
13 Q. Besides tobacco what does it serve?
14 A. Off the top of my head, I know it looks at
15 violence issues, nutrition. Let's see, drug use,
16 alcohol use. And then there are several modules people
17 can choose, specifically choose to administer in
18 addition to the core survey.
19 One of those is an extra added TUPE module,
20 which districts are required to administer if they have
21 one of the high school grants that I talked about
22 earlier.
23 There's also a separate Title IV module, which
24 is another term for Safe and Drug Free Schools and
25 Communities, which is looking at safety issues,
26 primarily. Then there's another module, I think that
27 looks at nutrition. And then one that all of our
28 districts are administrating that looks at resilience

23
1 issues, whether kids have adults at school that they can
2 go to, if they are really protected at school kind of
3 thing.
4 Now I forgot the beginning -- I forgot

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your
previous question.
Q. We're going to track back.
A. Okay.
Q. I had asked you what process a school would need to go through, but I'd like to ask you some follow-up questions first about the survey.
A. Okay.
Q. Is this a standardized survey?
A. Yes. It's actually a new survey that the California Department of Education has put together. They combined questions from the Youth Risk Behavior Survey and the California Student Risk Survey.
Q. When was it first created?
A. We've been working on it for a few years. I'm actually on the state advisory board. It's hard for me to remember when it actually hit the street.
I think districts -- there was a pilot, I think, last year. And I think this year is the first year that districts are actually implementing it. It may have started last spring, I'm not actually sure. We're excited. Programs can really be data driven.
It's difficult when people are using lots of different instruments; however, it is not a mandated survey. Unless you have one of those high school

tobacco grants, you must give the survey in order to get the funding.
Q. All right.
A. But a survey is mandated now. Every single district in California, if they are accepting the TUPE and drug free money, they must give some kind of survey.
Q. And the reason for the survey is to determine the prevalence of the community?
A. Prevalence of use, predictors of use, and attitudes toward use.
Q. Can you give me an example of attitudes toward use?
A. Oh, gosh. That's a tough one.
Q. Can you give me a sample survey question?
A. No. That I can't. I can't remember. But it could -- an example might be something like, "It's okay to do this behavior." You know, "I think it's okay to

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smoke." I think it's --
Q. "I think it's okay to smoke in a car"?
A. No, I don't think that's on the survey.
Q. "I think it's okay to smoke inside"?
A. No. No. It's related more to smoking in general. Tobacco use in general. There's no specific location mentioned in the survey.
Q. Is part of the attitude to determine a student's awareness of potential risks associated with smoking?
A. Yes. And that is, I think, some of what they

25

use for the predictors of use. But you know, I'm not an expert survey developer. My role on the advisory board was to talk about what was happening in the local districts, you know, and how it would be easier for people to administer this survey rather than developing specific questions.
I wasn't involved in the nitty-gritty of the questioning, so that's why I'm not remembering them specifically.
Q. Okay. When you used the term "prevalence" as a measure of the survey, what is meant by that term?
A. How many kids are, you know, have used within the last, let's say, 30 days versus, you know, ever used. We look at, you know, have they ever used a substance, are they using it regularly, you know, was it just a one time thing. Is it happening several times a week or a day. Those kinds of things.
Q. So for prevalence would we look at, "Have you ever smoked a cigarette in your lifetime?"
A. Yes, I think that's one of the questions. It's actually phrased something like that.
Q. And another question would be, "Have you smoked a cigarette within the last 30 days?"
A. I think that's also a question.
Q. All right.
A. And then, I can't remember, again, the specifics much beyond those two. But it's really looking at whether somebody is using regularly, whether

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they have, you know, maybe they have never used but maybe their attitude tells us that they may. And this is just so we can plan our programs accordingly.
Q. You can address exactly what the student

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population needs?
A. Exactly.
Q. And for predictors, what type of factors are you looking for to determine whether a student may be an individual who could eventually smoke cigarettes?
A. That one I'm having a hard time remembering what the question would be like. But I know from the Center for Disease Control guidelines and things that I've been trained in that if a student has peers who use tobacco they are probably more likely to use tobacco. Also, if they have parents or siblings who use tobacco, they are probably more likely to use tobacco.
So I'm not sure if the questions address that.
Q. Is it your experience that those children who have peers that smoke cigarettes, that they are the ones that are most likely to also smoke?
A. Yes.
Q. That it is the pressure of their peers which causes them to smoke that first cigarette?
A. That's one of the things that I think causes them to use tobacco. I don't think it's the only thing.
Q. Is that one of the primary factors?
A. I'd say it's one of the primary factors.
Q. And also that they may come from a household

where their parents smoke?
A. That's another factor. Along with being targeted by the tobacco industry, is something that is another factor.
Q. Okay. So we have this survey which may have hit the streets last year?
A. Yeah. Schools for the most part are just giving the survey this year. They've either given it already in the fall or they are giving it in the spring.
Most have given it already and they are just getting their results back, and they are just learning how to read them, interpret them and use the data.
Q. Now, you mentioned that there are optional parts, one of which is the Tobacco Use Preventive Education part?
A. Yes.

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Q. And can you describe to me what that particular optional part of the survey addresses?
A. I haven't seen that module myself. I haven't actually held it in my hand and looked at it. I think it just goes more in-depth because the core survey covers so many issues, health risk behavior issues, and asks so many questions about that.
I think it just asks more questions about tobacco because if people are applying for specific grants, for example, they are going to need more information to plan their program.
Q. All right. Now, the core survey, the survey

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that goes to all children, does that address environmental tobacco smoke or secondhand smoke?
A. I don't know. I don't recall any discussion about that, but I can't say for sure.
Q. When I say "environmental tobacco smoke," do you understand that to be the same thing or something different from secondhand smoke?
A. I understand that to be very similar. We also -- there's another term, the same thing. "Side stream" is a new term. I'm trying to think if there's any -- I think it all means the same thing.
Q. So if I use "environmental tobacco smoke," we have a joint understanding of what that term means?
A. Yes.
Q. Okay. The TUPE portion, the optional portion that can go with that survey and that portion that's required for the high school grants that may be made available, does that address environmental tobacco smoke?
A. Can you repeat that, I'm sorry.
Q. The TUPE optional portion of the survey.
A. Yeah.
Q. That is designed or mandated by high school grantees?
A. Yes.
Q. Does that address environmental tobacco smoke?
A. I don't know because I have not seen the questions. And I don't have a copy of that survey or I

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would have -- that would have been -- I would have looked at it to see. And I don't have the actual

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survey
because we don't administer that survey.
Q. All right. Do the individual school districts
administer that survey?
A. Yes.
Q. Prior to making an application for the entitlement funds, would the school district administer
the survey?
A. Well, ideally, yes. Because in the past we
haven't had that requirement until this year.
This year was an exception, you know. They
went -- in previous years they went ahead and applied
based on, you know, sometimes they did a local survey,
you know, sometimes they didn't. Sometimes it was based
on focus groups or on interviews with kids. Or how many
suspensions or how many kids are in a diversion program,
or something like that.
But now we're all going to have baseline data
so in the future, that's what we're really hoping, is
that decisions for how the money is used are really
based on the needs of the youth in that particular
community.
Q. Did these surveys at all address the demographics of the community?
A. Those are the survey questions and I'm not
really familiar with the specific questions on the
survey at this point.

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Q. Would it be important for the administration of
these funds for smoking or tobacco education for the
school districts to know, for example, the ethnic
background of any of their students?
A. It might be because of different languages
maybe that are spoken in the home. We might want to
look at translating certain materials.
I know some districts have heavy, say, Latino
populations. They might want to translate in Spanish
training materials or letters at home.
Also, for looking at the different ethnic
prospectives around tobacco, certain communities, again,
have a heavy Native American contingency where tobacco
is looked at differently than, let's say, an Asian
community or African American community.
We also look at targeting certain

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neighborhoods
based on different ethnic backgrounds.
Q. So there's an awareness of ethnic or cultural
sensitivities?
A. Yes.
Q. And also there is importance in making sure
that the materials that are generated as part of these
programs are in the languages that would be needed to
communicate your ideas to the children?
A. Ideally, yes. It's very difficult to keep up
with that when you have 22 languages in a school. It
couldn't possibly happen. We just don't have the
resources or the personnel to be able to do that.

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But usually if there's a main second language
used in a community, you know, the district will try to
have those materials translated. It doesn't always
happen. Some commercial materials, I think, might be
available in a second language, but for the most part,
it's a very difficult task.
Q. All right. We'll be talking more about your
materials, but prior to this what you've called a new
survey, was there any attempt to determine prevalence,
attitudes or predictors of the students these programs
were designed to work with?
A. That's a good question because we've really
struggled with that issue. Districts are very -- they
are not -- they have been difficult to convince to
administer service for various reasons. Sometimes they
are already given a million different kind of surveys
and one more survey is just one more thing. Lots of
reasons why a district may or may not give a survey.
Our largest, either our largest or second
largest district, Mt. Diablo Unified, have given their
own survey for years they developed in partnership with
UC Davis. It's really a behavior survey, I would call
it, where they are really asking kids, you know, how
much they use alcohol, how often, how much, you

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know, do
they smoke, how often, also about a lot of different
other drugs.
And they've used that in their planning in the
past and they have tried to convince other districts to

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get on board. But it's been very, very difficult to get
the districts to do that, and this is the first time,
and because it's mandated, that they will have to do it.
Q. There's a movement to standardize the types of
surveys that are being used?
A. Yes. CDE have tried really hard. They still
have not said, "You must use the California Healthy Kids
Survey." They are saying, "You must survey; however, if
you want the money we give you, you must have the
Healthy Kids Survey."
There's an effort to standardize it so that we
can really look at that statewide. If a student moves
from a school to another school or district to district,
or even county to county, it's easier to look at data
when you're reading it the same way.
Q. And the Department of Education can be assured
that the money they are giving the district will be put
to good use because the specific needs of the children
will be better measured?
A. That would be best of all worlds
philosophically, I think. Not necessarily the case, but
that's what, that's the reason behind it.
Q. Okay. And because the survey is relatively
new, I guess it's safe to assume that prior applications
for these funds did not include the use of a survey for
all school districts?
A. Right.
Q. Okay. So if a school wants to have some of

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these funds, they meet with an advisory board in the
community to determine what information they need to

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determine what the needs are for the community; is that right?

A. Yes. That's so that one person isn't making all the decisions so they really bring a group of people together. Ideally, it would have parents, could have a student or not have a student representative, educators, teachers, administrator, CBOs. You know, a well-rounded sort of a snapshot of the community would come together.

Q. Is there any attempt to bring in anyone from the medical community?

A. Some districts choose to do that because that's part of their usual, you know, "business as usual way" for making decisions.

Lots of districts don't have that kind of representation. It really is a district by district decision.

Sometimes it's an existing group that makes other decisions. And because they are already a group they, you know, tag on to that group's agenda. And, you know, they are -- rather than bringing, you know, a special group together, which is sometimes hard to do.

Q. Sure. Is there any attempt to include an epidemiologist as part of these meetings?

A. I've never heard of that before.

Q. After the school district either finds a preexisting advisory board to consider the application

or creates one and that group has decided what needs the community has, what's the next step?

A. Well, then that's -- that's input. Because you have to also go through the school district. Usually they have to get their board approval.

Actually, they do have to get their board approval before the, before we approve it. It has to be you know taken to the board of education for each school district and they have to approve it. And sometimes they have to run it through you know their HR department because you know if you're paying part of somebody's

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salary, there are certain steps you have to take.
You know, it's really -- it's interesting.
It's really dependent on the individual school district
policy on how they make decisions.
But that advisory board must, that's the one
requirement, that and the governing board -- the
advisory board must have decision-making power and the
governing board must approve the document, and then it
comes to us.
In the meantime though, obviously, the
coordinator -- there's some coordinator. Someone is
responsible for managing those funds and sort of putting
the plan together and kind of taking responsibility for
that plan. And we call those people -- in our county we
call them DATE coordinators. And, no, they are not
coordinating dates. It's an acronym for Drug Alcohol
Tobacco Education.

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It used to be, a long time ago it was what our
application process was called. And it's since changed,
but our county has held onto that old acronym.
So every district has what we call a DATE
coordinator. In another county they might be called
prevention coordinators, whatever they might decide to
call themselves.
And usually those people are responsible for
putting the budget together.
However, it's really interesting, those are the
people that come to our monthly meetings, but what's
interesting, around application time when we do our
technical assistance meeting, an Assistant Sup will show
up, someone maybe I've never seen before, or only see
once a year, or the person responsible for putting
together the whole deal because the TUPE --
This is very confusing, stay with me here.
Q. I'm with you.
A. The TUPE and the Drug Free Schools program are
part of what we call a consolidated application, which
is new in the last few years. We were never part of
that process before. We were sort of out there on our

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own before.
Now we've become part of this, what they call consolidated app. We refer to it as con app. And what that means is all of the categorically funded programs have to be part of one huge application process.
Q. From the same funding source?

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A. Different funding sources. It's like a big pie. And Safe and Drug Free Schools would be part of the pie.
You can't see my gestures here, but picture a pie, and it's divided into lots of little pieces. One piece would the Safe and Drug Free Schools and Communities program. One would be the tobacco education program. There might be another piece that is Eisenhower funding, which is special funding usually used for something to do with reading.
There might be Title VI money used for libraries. It's all the categorical money that a district receives goes into one huge application.
And we're now finally part of that process, which has its good points and its bad points, but that's the process.
Sometimes we see someone we've never seen before who is putting the whole pie together for the district. And they come to that technical assistance meeting because they want to hear how our piece fits into their pie.
Sometimes the DATE coordinator is privy to that process in their district, sometimes they are not. In most cases, they are responsible for putting their budget together and their program together. And in some cases, they are only responsible for the program and they aren't really there when the budget gets put together, and that makes it hard.

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Q. Okay.
A. That's not the intent, but sometimes that happens. I hope that is good.
Q. So the school that is applying for funds has a DATE coordinator?
A. Hm-hmm.

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Q. "DATE" standing for Drug Alcohol Tobacco Education?
A. Yes.
Q. All right. They create or find an advisory board that makes a decision about what is needed for that program, correct?
A. Yes.
Q. Do they write up a proposal or a budget for that program through the advisory board?
A. Usually -- well, this is what's so confusing. In the past, yes. In the present, meaning this particular fiscal year, they've produced a budget that comes to me for signature, and then I send it back to them.
You know, they get their board approval or whatever, and then it goes to the state. But yes, they must have something in their file that talks about how they are spending that money.
Q. Okay.
A. It's part of what we call a local improvement plan. Again, it gets confusing. That is part of that con app pie I was talking about, so that each

categorical program, each piece of the pie, has their own local improvement plan. And it's a five-year plan, so that each year you look back at your plan and you, you know, amend it and adapt it based on your needs that have changed.
And that's just, you know, going along with the consolidated application, or con app, or the big pie regulations, basically.
Q. All right. So the coordinator presently, after meeting with the advisory board, creates a budget?
A. Yes.
Q. And the next step is for that DATE coordinator to have that budget approved by the district's individual board of education?
A. Right.
Q. And after they have taken that second step of going before their own board of education, what is their next step?
A. Then they would send it to me and I would

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and this was also interesting. We were told -- they used a different word than approve. It was -- I don't remember what the word was, approve. If we said, no, they'd have to make changes, which is how it's been in the past. This time we were told -- I don't remember the word. It's something like "sign off," but it wasn't approval. It was a different term and --

Q. To be aware of what they're planning?

A. It had to have our signature.

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Q. Okay.

A. So it was interesting because I meet with the other coordinators in the region a few times a year and we all interpreted that differently.

I interpreted that if my name goes on that line I want to check that budget and I want to make sure every single number is accurate, otherwise how could I sign the budget.

Somebody else interpreted, oh, they turned it into me so I'm going to sign it. They didn't spend the hours and hours of time that I spent with a calculator going through.

It wasn't clear this year. It's because we changed our procedure and, you know, we need to get it together in terms of exactly what our role is.

But it still means that it goes to the department. They still read the whole thing. Someone still sits with the calculator and then it goes back to the district if it's incorrect. So --

Q. When you use the term "department," you're referring to the Department of Education?

A. Yes.

Q. The state department?

A. Yes, the Healthy Kids office.

Q. Okay.

A. I think we'll work out the kinks after this year. Basically, I think this gives us credibility in some way. The county office is there. I think that's

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what this year sort of was like.

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In the past we really had approval, an approval role. And this year we did not. So it kind of changed our -- it changed our role this year.

Q. Okay. Now, the third step of sending it to your office or sending it to you for you to sign off on this budget, what hat are you wearing for the school to have you as the third step in their process to get these funds?

A. County TUPE coordinator hat and county Safe and Drug Free Schools coordinator hat, because it's a combined application.

There are two columns, and we write our narrative on the left. We put -- "we." I always say "we." I always think of us as the same.

The coordinators would, you know, do their line item on the left. They might say, "certificate staff." And to the right there would be a TUPE column and they'd say how much they are spending for TUPE. And there would be a Safe and Drug Free Schools, how much they are spending for that.

And their high school districts don't have TUPE money. Their applications would only be for Safe and Drug Free Schools and Communities. And the only TUPE reports would have to do with high school grants, which are separate.

Q. For the moment, let's refer to the 4 through 8 grades and how school would get funds for those grades,

and we'll talk about the high schools later?

A. Okay.

Q. Now, you are doing this only for school districts within Contra Costa; is that correct?

A. Yes.

Q. And is it correct that there are other individuals in your same role who are reviewing budgets for school districts within their county that are seeking the TUPE funds?

A. Yes.

Q. Are you aware of any counties in the State of California that are not taking some acts to educate their student population about tobacco?

A. No. I'm aware of school districts, but

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not
counties. And I may not be aware. In other words, there may be a county not participating and I may not know that.
Q. What counties -- strike that. What school districts are you aware of that do not have a tobacco education program?
A. Well, just because they don't take the money doesn't mean they don't have a tobacco education program. I can't answer to that. I know one of our districts opts out of the funds, Canyon.
Q. How do you spell that?
A. C-a-n-y-o-n. It's a very small district. I think it's like a one school school district. And so for the amount of accountability -- do, you know, what I

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mean? They hardly get anything. They don't bother with the paperwork. But, and I'm not sure what kind of tobacco program that they are providing.
Q. All right. So if I'm understanding your testimony correctly, you are aware of a small school district that has not attempted to receive these funds, correct?
A. Right. In our county.
Q. In your county?
A. Yes.
Q. But you are not aware, necessarily, that there are any school districts that do not have some type of tobacco program for their children?
A. I don't know.
Q. Other than calculating the budget, as you've described when you get these budgets for your review, do you make any consideration or evaluation of the types of programs that are receiving certain line items on a budget?
A. No.
Q. Did you ever have that role before?
A. Yes.
Q. And was that when you were in the position of approving or rejecting an application?
A. Yes. And that was also when they had to give us a narrative explaining each expenditure.
Q. When you were in the position of approving or rejecting an application, do you recall ever

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rejecting

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one?
A. Oh, yeah.
Q. And what would be the basis for rejecting an application?
A. Well, actually, I don't think I ever accepted one the first time. And they always got accepted by the end of the process. But I sent every single one back.
Q. You took a lot of care with these?
A. Oh, yeah. And the basis would be that I really wanted to see them focus on the social influence model rather than the medical model, which is more the traditional way of teaching tobacco prevention. And what we've seen, it's not recommended in terms of the best way to teach our kids to refuse tobacco. So I really wanted them, you know, to follow the guidelines.
Q. For the CDC?
A. Well, they were guidelines that were given to us through the Department of Education, but they are the CDC guidelines and the National Cancer Institute guidelines, which are very close.
That was one reason that I may have sent it back. Another reason was, you know, gross mathematical errors, which is just human error.
Q. Something I can understand.
A. And then sometimes just inappropriate use of the funds. You know, it's very clear, has been very clear that these funds are to be used for tobacco prevention, education. And every once in a while, I'd

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get something glaring that, you know, security officer or something, that had nothing to do with the use of these funds. And I would say, "We need to sit down and talk about this."
I'm trying to think. Another reason might be -- oh, I'm trying to think. I would say a myriad of reasons why I would send them back.
Q. How long would the application process take where they would come in, most likely get rejected

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and
10 then ultimately get approval?
11 A. Many, many, many hours over the course of,
I'd
12 say, a good month, sometimes longer, on my part. I
can
13 only speak for how much time it would take me. It
was a
14 lot of time.
15 Q. Would there be face-to-face meetings?
16 A. Yes. We always get provided technical
17 assistance training workshops on how to do the
process.
18 Then we would do, you know, customized meetings on
site.
19 And, you know, they'd come to me, phone, fax. This
year
20 e-mail. You know, all of those things to try to
help
21 them as much as I can.
22 Q. Were the entitlements the same amounts
23 dependent upon the ADA, so much per child?
24 A. Yes. So much per child. It's about 4
25 something a child.
26 Q. 4?
27 A. 4 dollars and something, I think, a child.
You
28 know, it's hard for me to remember because we're
right

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1 now -- we never know how much we're going to have
until
2 around September/October. And there's so many
figures
3 floating around in the sky that I think -- yeah, I
think
4 it's around 4-something a student.
5 Q. And that is for the fiscal year?
6 A. Yes.
7 Q. Can you tell me the difference between
8 approaching tobacco education from the social
influence
9 method versus the medical model?
10 A. Yes.
11 Q. Why don't we start with the medical model.
12 A. Medical model would be talking about
cancer,
13 showing a black lung, looking at really, you know,
gross
14 looking lips and mouth. And, you know, all the
things
15 that cancer does to people. You know, and that
should
16 be part of a good education program. I'm not
saying
17 that that shouldn't be part of it because that is
the
18 health consequence.
19 But that is not what we know makes the
most
20 difference for young people because it's those very
21 long-term consequences that "it will never happen

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to me"
kind of thing.
But long-term consequences are certainly part
of the program. I just didn't want to see people
spending all of their funds on long-term consequences.
Because when you're talking to a 12 year old or, you
know, 9 year old, it's very hard for them to see
themselves at 40, 50 years old.

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So we also talk about short-term consequences,
which is part of the model. It's, you know, looking at
what happens to you right now. And we've, you know,
talked about, you know, who would want to kiss somebody
with, you know, ashtray breath, you know, those kinds of
things.
Q. Is that part of the medical model?
A. No. I'm done with the medical model. The
medical model, we use it just a little bit, but we don't
focus on it the medical model, which would be the
long-term consequences; what tobacco does, how it breaks
down the cilia, how it might be harder to breathe and
give you less endurance.
But what would be more effective, when you're
talking about endurance, to talk about how it might
affect your soccer game, or your ability to dance in a
marathon, whatever it is kids want to do.
So we give them a little bit of the medical
model, but that's the traditional way of teaching. The
textbook way of teaching would be to lecture kids on,
"You shouldn't do this because it's not good for you."
And we found that that's not very effective,
although there's a percentage of kids -- there might be
a couple kids in the class that hear that and, boy, they
never will use tobacco because they are so afraid of
getting cancer. So we don't throw it out completely.
It's definitely part of it, but not the main emphasis.
What we emphasize is a few things to do with

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the social influence model. One is looking at advertising. For example, that's a big part of it, and how the tobacco industry is subliminally targeting young people through advertising.

A few years back it was an emphasis on Joe Camel. Not as much now Joe Camel, but looking at the attractive models in the ads who may or may never have picked up a cigarette, looking very healthy, very sexy, very in control. "What does that have to do with tobacco?"

So it's teaching kids about what it means to be targeted. Teaching them about adequacy. We have a very strong advocacy program in Contra Costa. Also looking at peer pressure is part of that. You know, being influenced by your peers, what does that mean. How do you resist or refuse in a way that's realistic. We don't do the "Say no" thing anymore.

It's really, you know, we take our direction for that from the kids, "What works best for you to get out of that situation?" "Just because your friends are doing it, doesn't mean you have to do it."

That's a tough one. I'm trying to think what else is part of that social influence model.

Oh, and looking at the reality. It's always that there are less kids using -- kids always think that everybody is doing it, no matter what it is, right? They just do.

So what we try to show them is, for example, if

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it's 40 percent of kids -- let's say 60 percent of kids are not using, 40 percent are. Rather than saying, "40 percent of kids are smoking," we like to turn around and say, "60 percent of our kids are not smoking," so they have a reality check and realize not everybody really is doing it.

And I think that's makes -- it's a different paradigm.

Q. I would assume part or a good part of the social influence method is to keep children from

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smoking
themselves?
A. Yes. That's the main goal for all of our programs that we do. That's what we talk about.
Q. Is any portion of the social influence method to make children aware of the potential risks that may be associated with environmental tobacco smoke?
A. You know, we really don't focus on that. I know that in some of the trainings it's mentioned.
And for example, we're doing a big regional tobacco educator conference coming up in May at UC Berkeley. And by "regional," I mean there are seven counties in the Bay Area that are part of this California Department of Education region. We do a lot of things together as a county consortium. And we get together every year and we put on this conference for the adult educators. And there's not one workshop having to do with secondhand or environmental tobacco smoke.

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Q. Why is that?
A. You know, it just hadn't -- what we're really about is helping kids never start. That's our goal, is kids never to start, and then if they are already using to quit.
We have not really entered into the arena of secondhand tobacco smoke. Where I do hear about it some is at the tobacco coalition meetings. And I was the chair of that committee for two years. And there was some talk among the community members, but I was the only school district person usually at those meetings. And it has not filtered, no pun intended, does not filter into the classroom so much.
Q. Are there -- strike that.
How long has the medical model method been in place in Contra Costa?
A. I would say as long as science teachers, for example, have been teaching about, you know, the effects of tobacco. I think -- certainly as long as I've been in Contra Costa.

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That's been a main focus that we've been really working at chipping away at. I can only speak for the five years that I've been there.

Q. Did you grow up in Contra Costa County?

A. No.

Q. Did you grow up in California?

A. Yes.

Q. What county?

50

A. L.A. County.

Q. Did your science teacher talk to you about the potential risks associated with smoking?

A. Gosh, it's hard -- I don't remember. I don't think so much in those days. I don't know that we had tobacco education in those days. That was when we had smoking areas, and there was a different attitude toward -- I don't think as much knowledge.

MS. BRITTMAN: We've been going for over an hour, are you okay? Would you like to take a little break?

THE WITNESS: I'm okay.

MS. BRITTMAN: Let's take a short break.

(Recess taken 10:41 to 10:49)

MS. BRITTMAN: Q. Ms. Supple, once a school DATE coordinator has met with their advisory board, have gotten the approval of the board of directors, and after working with your office, have gotten your approval and sign-off on their budget, what is their next step?

A. Their next step or the next step of the process?

Q. Well, what is the next step of the process?

A. Okay. Then they send in their application with my signature to the Department of Education. And then the department goes through their own process. And I'm not exactly sure all the details about that, but I know that they look over the budget, you know.

They contact the district if there's -- if

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there are errors or discrepancies in the budget. And then we usually get a cc of that, so that if we need to provide the district with any assistance, we can. It's

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usually an addition error, or something like that.
And then the district, you know, implements their program. And then at the end of the year they turn in an annual report.
And the annual report is really the only way I know of what they did. Again, this is -- bear with me because it's a new way of doing things.
They've always done an annual report in the past, but we always had their plan and then their annual report that you can kind of look at together; what did they say they were going to do and what did they actually do.
And now remember, we only have a budget upfront and then an annual report behind. And then the annual report kind of tells us, you know, how many students were served, you know, did they do tobacco-related assembly, did they do training, how many teachers came, that kind of thing.
That is what gives us the most information. And then of course we meet -- well, we're required to meet four times a year, as, you know, as a group. So I'm mandated to provide four opportunities for them to meet.
Well, our coordinators say that they get so much out of the meetings that they now want to meet

every month, so we meet every month instead of just four times a year.
So a lot of it is networking and sharing successes and challenges and hearing about changes in legislation and guidelines. And we have people come in sometimes and present to the group, and that kind of thing.
Q. All right. Let's go back a little bit.
A. Okay.
Q. It is the school district that has been given the entitlement funds that prepares the annual report?
A. Yes.
Q. And the annual report, does that -- what information is contained in the annual report about

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the
15 types of contacts the district has made for tobacco
16 education?
17 A. Can you explain what you mean by
"contacts,"
18 please.
19 Q. Sure. Is there a portion of the annual
report
20 that indicates the number of students, for example,
that
21 attend certain programs?
22 A. Yes.
23 Q. And is there a section of the annual
report
24 that breaks down that number by sex, for example,
25 gender?
26 A. I don't think so.
27 Q. Is there a section which breaks down that
28 number by ethnic background?

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1 A. Gosh, I'm not remembering that one. I
know in
2 the past -- in the past we did. I cannot remember
if
3 this one does or not.
4 Q. All right. And the annual report, I
assume,
5 would outline the various activities that the
funding
6 was used to put on?
7 A. Yes.
8 Q. Okay. And is there anyone who is
responsible
9 for making sure that the activities that were
performed
10 were consistent with what was outlined in the
budget
11 that was presented for obtaining the funding?
12 A. California Department of Education.
Because
13 what happens is they send their annual report
directly
14 to them, and then they are supposed to send the
copy to
15 us. But that copy -- I mean, it goes into a file
where
16 I am. And they are not -- I don't do anything with
it.
17 In other words, I don't approve it or
18 disapprove it, or anything like that. It's really
the
19 State Department of Ed. And they just kind of keep
us
20 in the loop.
21 And thank goodness because that's really
my
22 only way, you know, of knowing, if I wanted to see,
what
23 did this district do, that's my only way of doing
it
24 besides talking to the person.
25 Q. Do you know the name of the person at the

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Department of Education responsible for reviewing the annual reports submitted by the district?

A. I'm not sure which consultant does that, but my

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contact at the department, he's the consultant that serves my area. His name is Bruce Gordon. And all of my communication usually happens with him.

They have other people at the department that are budget analysts and things like that, but, you know, he's like our -- they broke California down by regions. And so different consultants are our contacts at the department.

Q. And are the school districts called by particular names, such as "grantee," or another designation when they receive the entitlement funds?

A. I think they are called LEA, local educational agency, if I'm not mistaken. That's usually what we refer to in any, with any grant, the recipient of that grant is usually -- you know, the person that's responsible for like, for example, with the teen pregnancy grant I was telling you about that I have, we're the LEA. Because it's our business office that kind of manages the budget. Even though we have a couple other school districts participating, we're called the LEA.

Q. So the district would be the LEA because they would have the funds from the budget and would be actually putting on the activities that the budget was intended to fund?

A. Yes.

Q. Okay.

A. Because you figure that usually a district has

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several schools. And so there's usually someone at the district that's coordinating that for all of the schools.

I mean, ideally -- we don't have enough people, truthfully, we don't have enough support in our districts to do this work. Ideally, we'd have someone at every site and, unfortunately, we don't. So it's one person usually that's coordinating for all of their

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schools.
Q. So one person in a district, the DATE coordinator for example, would be the person who would coordinate the activities in all the schools within that district?
A. Right.
Q. And this we're referring to is just for grades 4 through 8?
A. For the tobacco program, yes.
Q. Okay. And based on your experience at the Office of Education in Contra Costa, what types of activities are being done in the schools as part of the tobacco program?
A. Training, teacher training is done so that teachers know how to provide instruction. And that's done in a lot of different ways.
Instruction is provided to students in grades 4 through 8, that's a requirement. Mixed medical and social model.
Some districts are doing -- it's difficult

because in 4th through 8th grade it's really a prevention program, but we do also have some kids at the middle school who are already using tobacco, unfortunately.
So those schools are attempting to provide some cessation opportunities as well. Sometimes on site, often with middle school kids, it's a referral kind of thing because they don't have enough kids yet. But 8th grade we're finding more and more kids who are caught possessing tobacco or who are using tobacco.
There's also a partnership with the law enforcement agencies for kids who are ticketed, you know, now it's Penal Code 308(b) where kids can actually be cited for being in possession of tobacco or tobacco paraphernalia.
And so districts are trying to partner with those law enforcement agencies to that rather than -- in some cases, in lieu of a ticket. They are working together to provide those kids with some education and some cessation support. And in other cases it's not in lieu of a ticket, it's sort of in addition to the ticket because, you know, we don't see this as punitive,

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we see
it as, you know, an education issue.
And in some cases, it's an alternative to suspension on the first offense. Districts, some of them are providing assemblies of some kind or another with follow-up in booster kinds of lessons.
That's another thing I just remembered. Can I

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jump back to another question real quick?
Q. Absolutely.
A. You had asked why I might turn down or why I might send back a plan. And that would be an example.
If somebody had planned an assembly but there was no evidence of any booster activities or follow-up activities, I wouldn't accept it. Because we know one-shot deals don't work.
I knew there was another thing in there that I forgot to tell you.
Q. They always come out eventually.
A. They also purchase materials with these funds, and send their teachers to conferences and trainings and workshops. So it's not always training that happens right there. Sometimes they will send them someplace to be trained.
I'm trying to think what else. I think that's pretty -- materials, training, instruction, conferences.
If I think of anything else, I'll let you know.
Q. All right. Are there any attempts to train or educate parents of the students?
A. Yeah. I mean, that's part of our charge. Anyone who receives the funding is really supposed to involve parents and community.
And so a lot of our districts have done a really good job of doing that, you know, educating parents. You know, of course, the minimum to receive Prop 99 funds is to have a policy.

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So parents have either been involved in developing the policy, certainly in enforcing it and being made aware of it. You know, there's no tobacco on school grounds or in the parking lots. So parents are

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made aware of that part of the policy to support and model healthy behavior.

And parents are really encouraged to be part of that decision-making process I talked about earlier. The advisory committee is very important in this process.

Q. Are parents educated with respect to the potential risks associated with smoking?

A. That's a good question. Let me think about that question. You know, not as much about the potential risks as much as -- a little bit. Let me back up. Strike that answer. I'm using the lingo now. Strike that answer.

Let me think about this. Yes. I'm changing my answer.

Yes, parents are -- we do talk to parents about -- first of all, we talk about a strong no use message. We don't want our kids using tobacco, period. That's our message.

And then we share with parents, and we're very careful about sharing this with kids, but we share with parents that the longer we can delay onset of use, and that's not only tobacco but, you know, any substance, alcohol and other substances as well, the smaller chance

of a child becoming addicted to a substance.

So we're not advocating that a child would ever use or that an adult would, but we do try to help parents understand that when kids begin using different substances at an early age, it's much riskier developmentally and in terms of addiction. So that's how we really focus with the parents.

What we try to do is help parents understand also that those children are being targeted, so there's that whole social influence issue. And the peer pressure, that's one thing I focus a lot of -- I do a lot of parent education. It's not strictly about tobacco. It's really based on resiliency.

Q. What do you mean by that?

A. It's really the foundation of all of our work. It's creating safe, nurturing environments for kids so

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that, in school, home and community, so that kids can be resilient. And part of being resilient is being able to make your own good choices and decisions and resisting pressure just because somebody else is doing something.

Resilient people really are able to do that. We know that from research. And so we share the research with parents.

And it's not, again, specific to tobacco, but tobacco certainly falls into that category. And so we help parents learn how they can, you know, know your kids, know where they are, know who their friends are, know the parents. Supervise them because all these

dangerous behaviors usually happen when parents aren't around.

What we kind of do indirectly is educate them about being around, being available, being approachable, being accessible, all of those things, so that kids are less apt to have that sort of free, unsupervised time.

Q. All right. Do you at all educate parents to not smoke around their children?

A. We have not talked about that.

Q. Are any of your discussions with parents relating to the potential effects of environmental tobacco smoke?

A. Gosh, I'm trying to think back because I've done training now for five years. Not with parents, no. I have not. Where it has come up occasionally again is at those tobacco coalition meetings.

But, and again, some of the people at those meetings might be parents of children in Contra Costa schools, so they might be hearing it. But we have not done training, let's say, to parents specifically to discuss that issue. And it hasn't come up in the trainings that I've been involved in.

Q. And how is it you are at tobacco coalition meetings?

A. We're part of the tobacco coalition. The County Office of Education is a member, and I was the

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chair for two years. I've just stopped doing that a couple months ago.

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Q. And are educators also present at these meetings?
A. You know, I was usually, I hate to say it, the only one. I tried to get educators to go. Every once in a while there might be one other educator there. But because of their crazy schedules, it was hard for people to get to those meetings. So I usually said, "Well, I'll represent us," kind of thing. And I'd come back to our monthly meetings and share some things, but never around environmental smoke.
Q. The school district who seeks the entitlement funds for grades 4 through 8, you've indicated that you are required to meet with them at least four times a year; is that right?
A. Hm-hmm.
Q. And if they have gotten so much out of them they are requesting they occur every month?
A. Yes.
Q. What goes on at these meetings? What's discussed?
A. Let's see. We disseminate any information we get from the State Department of Ed. A lot of times it's legislation issues; you know, gearing up for legislation, understanding it. Projecting what's to come.
Right now we're kind of tossing around different options about budget, which we wouldn't know until the governor signs. We also, we're very involved

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in passing a tobacco youth ordinance in our county, which I think almost -- well, let's see, almost every city now has passed that ordinance.
So sometimes there were presentations about that at our meetings. And that was a lot of my work as tobacco coalition chair was helping -- I mean, indirectly because in my role I'm not allowed to, you know, address the board of supervisors or get

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involved
in anything, any lobbying or anything like that.
I can be at a meeting where somebody is talking
about it, but I don't ever lead that kind of activity.
But that did go on in a lot of our meetings.
At our DATE meetings, often we have people come
in and present, you know, on different, you know, curriculum or support services they can provide in the
schools. Districts showcase, share, with each other.
It's a great networking opportunity.
Q. In those discussions, have there ever been ideas for curriculum materials or any other activities
which would relate to education on environmental tobacco
smoke?
A. You know, not specifically. However, I can't
say that maybe some of the curriculum that was discussed
didn't have something to do with that. I mean, I can't
100 percent tell you that it might not have been in the
curriculum. But we didn't ever discuss that issue. But
for example, you know, Here's Looking At You 2000, now
called Here's Looking At You, is a comprehensive program

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that a lot of teachers use. It's not only tobacco
specific, it's drug/alcohol/tobacco. There may be
something in there about environmental tobacco smoke, I
don't know.
Q. Typically, is that a subject which generally
partners or goes with educational materials on smoking
prevention?
A. I would -- you know, that's -- typically?
Q. Or frequently.
A. Yeah. Would I say that there's usually or
sometimes there would be a chapter or a section devoted
to that issue? I think I've seen that as I've looked
through materials. However, it's not something that we
have specifically focused on as a group.
Q. Your focus is to prevent children from smoking?
A. Right.
Q. And they are smoking to get them to quit?
A. Exactly.
Q. And consistent with those goals in your

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materials there may also be other issues regarding tobacco that are addressed?
A. Yes.
Q. And one of those would be environmental tobacco smoke?
A. Yes.
Q. Now, the source of the entitlement money, that's Prop 99 funds?
A. Hm-hmm, Prop 99 education funds.

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Q. Does this program get any funding from Prop 10?
A. No, that's a separate deal. Oh, you know, let me back up. I think, and this again, CDE, what did they tell us, it's a pot of money that, CDE, California Department of Education, has.
There's some agreement that there will be some push back of Prop 10 money, but I can't tell you how much or what percentage. And I only know that from being in some meeting sometime and hearing them say that.
But it's not something that we directly work with or we don't receive any separate funding. It's whatever happens at that CDE level, that's the money we get.
Q. Okay. So the CDE is your direct source of funds?
A. Yes.
Q. And they have a pot, if we want to use that description. And in that pot goes the Prop 99 funds that form the entitlement moneys; is that right?
A. Right.
Q. And there's also within that pot what you referred to as push back funds from Prop 10?
A. Right. The way I understand it is, because cigarette sales have actually gone down, especially with the adult population, or the adult population's decrease in smoking has caused the cigarette sales to go down, that -- and again, this is only my understanding and my

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interpretation of what I heard, something about how then that the Prop 10 push back was to restore the Prop 99 pot because it's obviously, it's based on cigarette sales.

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Q. All right. And in this pot, other than the Prop 99 funds and any potential Prop 10 funds that might find their way in there, are there any other funding sources which create the pool of money in the Department of Education pot?
A. Not in the Department of Education TUPE 4-8 pot, no.
Q. What other sources of funding, besides Prop 99 and Prop 10, funds tobacco education in the Contra Costa County schools?
A. Safe and Drug Free Schools and Communities, otherwise known as Title IV, which are federal funds.
It used to be we couldn't do tobacco education. We could only do drugs and alcohol prevention. And the tobacco programming had to come out of that Prop 99 pot.
But that's since changed, and I can't remember exactly when it changed, but it's now allowable so that now schools K-3 and 9-12 can use their Title IV funds for TUPE, or for tobacco prevention activities where they were not able to before.
Q. Can you give me an estimate of approximately how long the Title IV funds have been able to be used for tobacco education?
A. I'm not sure. A couple of years, is my

estimate. It hasn't been too long.
Q. And obviously missing from this group are the 4 through 8th grades. Is that because they get the entitlement funds through Prop 99 and Prop 10?
A. No. And I was actually mistaken.
Q. Okay.
A. It's K-12 funds. The Title IV are funds -- there's a lot of discretion on how those are used within for safety, violence prevention, alcohol, drug and tobacco prevention. Tobacco is a drug. They used to separate it out, now they have put it into that drug category.
So a district could choose to supplement their tobacco program if they wanted to using those funds

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for
those K-3 and those 9-12 because they have never had any
funds to do that with unless they got one of those
competitive grants for the high school. Not everyone
chooses to do that, but that's certainly an option. But
the funds are K-12.
Q. Kindergarten through the end of high school?
A. Right, yes.
Q. Okay. And high schools can apply for grants,
correct?
A. Yes.
Q. Competitive grants?
A. Hm-hmm.
Q. And there previously have been no funds for
tobacco education for K through 3 prior to Title IV

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funds?
A. Gosh, you know, I have this recollection, and
again, it's my brain is fuzzy because I've been doing
this work now for ten years. I have this distant memory
that there was something available, but, you know, don't
quote me on it because it's really fuzzy. But I'm just
trying to really be honest that I have something back
there in my mind that there might have been, at one
time, funds for the younger kids.
In fact, I'm almost sure of it, but I can't
remember when they changed over to the 4-8. Because I
was at another county office for five years before I
came to Contra Costa. So doing a related kind of job,
not the same job, so I'm a little fuzzy on that.
But at one point they were able to educate the
younger children, I'm almost sure of it.
Q. Okay. And we will be talking about your other
positions as well, but I still want to focus on Contra
Costa while we're there.
A. Sure.
Q. With these Title IV federal funds, how would a
school get access to these funds to do tobacco education
programming?
A. The same way that they would gain access to the

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4-8 because it's part of the same funding process, the con app that I explained earlier.

Remember I explained there were two columns; one was for TUPE, one was for Safe and Drug Free

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Schools.

And if they were going to use the Safe and Drug Free Schools money, for whatever they are going to use it for, that's where they would show their budget in that column.

So that, for example, our high schools that don't receive any 4-8 money, they turn in a plan anyway because they get Safe and Drug Free Schools money. That's the only column they fill out in that particular plan.

Q. And do they have to go through the same process of getting an advisory board, community members?

A. Yes.

Q. And they then have a budget that they prepare?

A. Yes.

Q. And that's done after meeting with the advisory board?

A. Yes.

Q. And the advisory board has indicated the needs of the community?

A. Right.

Q. In order for the -- is it also a DATE coordinator?

A. Hm-hmm.

Q. To design a budget for the K through 12 grades for these Title IV funds?

A. Well, it would be -- if it were only a high school district applying, it would be for the 9th

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through 12th grade. If it's K through 12, it would be K-12. If it's an elementary school district, it would be K-8.

Q. All right. Thanks for that clarification. And do the budgets go to a board of education for approval?

A. Yes.

Q. And do they then go up to your office for a sign-off on the budget?

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A. Yes.
Q. And then they go to what branch in the federal government?
A. They go to CDE. They are the state agency that handles that federal budget along with the state budget. So it's up to them -- they decide on the process that we use. And then, you know, they receive the funds from the feds.
Q. Are there any requirements of Title IV that any expenditures on tobacco education include information about environmental tobacco smoke?
A. Nothing that I can recall specifically to that, no.
Q. And of the budgets that you have reviewed relating to Title IV funds, have you seen programs that have included programs relating to environmental tobacco smoke?
A. Not specifically.
Q. While you may not see specific programs focused entirely on environmental tobacco smoke issues, have you

seen tobacco programs which, as part of the education, address environmental tobacco smoke?
A. Yes. And, you know, I just -- I don't know why I didn't think of this, and it's something I could produce for you. I never thought of looking through the binders that I have. I don't know why I never -- I was looking through files.
I just realized that I have some curriculum. Very limited, but I do have some curriculum that I'm sure addresses it. And I never thought of the curriculum. I just did now. So I could produce that, if you need me to.
Q. We would. What types of binders do you have?
A. Well, the one I just thought of -- I don't know why I didn't think of this. We had a grant -- when I came on board, and this goes back also -- you asked a previous question and I didn't think of it at the time.

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So it also answers your question about programs that we've had since I've been there.

When I came they were in the middle of what they call an Innovative Tobacco Prevention grant. This is something that CDE, California Department of Education -- you can apply for that as well in addition to the high school competitive grants.

And it's a grant that's, when you say innovative, it's sort of like this innovative idea that you might want to try. It's sort of an opportunity to do sometimes a study, sometimes create a new curriculum,

sometimes try a new program or project idea.

And they kind of -- they have a percentage of their budget set aside to allow for that, which is, again, very innovative.

And so when I came on board it was in its second year of a grant that they had received. And this grant was to develop a curriculum that was written by teachers and field-tested in their classrooms. And it's a, it's called, "Step on it." And I'll send you a copy of that.

And it is a cross curriculum. So for example, a math teacher, the kids could, you know, figure out how much it would cost for them if they smoked, let's say, a pack a day over the course of a year, how much money would it cost. And then maybe what else could they buy for that same amount of money, kind of thing, to show kids how much money they are spending.

And then let's say, I don't know, a foreign language teacher might have kids e-mailing kids in another country in that language asking about their sort of, you know, what's going on with tobacco use in teens in your country.

So it's so teachers of other disciplines could be teaching the tobacco prevention or tobacco education because we didn't have a lot going on at the high school.

So this was a curriculum that was

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developed by
the Department of Education through our office. And

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there is -- I know there is something about environmental tobacco smoke in there, even if it's only in the appendix. There's something in that binder about it.

Q. Okay.

A. And it didn't ever dawn on me. I never thought of curriculum. It's so obvious, I just didn't think of it.

Q. How many curriculum binders do you have in your office, approximately?

A. Right now not too much. I think five or ten, something like that. We did print 500, and we give those out across California. But we don't have a grant to continue printing. It's out of print right now. It's only what's out there.

Q. The 500 that went out through California are duplicates, they are not 500 different --

A. No, it's the same one. There's never been a training developed for it, but I don't know how it's being used.

But the Healthy Kids Resource Center, which is the state lending library for all of our prevention materials and health materials, carries, I think, six of them that are on loan, if people want to borrow them and use them.

I get calls every once in a while, somebody wanting one. And I just refer them to the Healthy Kids Resource Center because I don't have enough to give out

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anymore.

Q. We'd ask for a copy of one of those curriculum binders.

A. Okay. I have to write myself a note for that.

Q. Sure. Other than files and binders, can you think of any other sources of documents in your office that could include curriculum documents, program materials that would incorporate issues pertaining

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to
environmental tobacco smoke?
A. Yeah, there probably are some. It's in that whole curriculum arena. What I'll do is go back and send you whatever I got. If it's a kit-type thing, how would I send -- would we get them back or is it we have to give them, or do we copy them, or what's the --
Q. Does the kit have something other than materials that could be duplicated?
A. Probably not. I probably could duplicate most of it, yeah. Because I'm thinking I might have a kit or two in a closet somewhere that I haven't used. And then there may be other binders that I have on my shelf. I just didn't look there.
Q. We can have you coordinate with Tim Terry and you can talk with him about how that's going to be arranged. But I would appreciate you doing that and I would reserve the opportunity to question you about those materials, if need be.
A. Sure. Mostly what I do when people call me and they want to know about curriculum, I refer them to the

Healthy Kids Resource Center. They carry anything that anybody in the state, you know -- they've done like extensive quality control, review, preview all of that.
And then they have a list and they carry it all there and people can look at it. They can preview it. Because they UPS it back and forth, and so that's really the clearinghouse that our people use. Rarely would they come to my office and use something, but I do have a few things probably that I could send.
Q. Okay.
A. I'm sorry about that. It just didn't occur to me, I don't know why.
Q. No problem.
A. Okay.
Q. Is it possible for a school district to obtain TUPE as well as Title IV funds for tobacco education?
A. Can you repeat that again?
Q. Could a school district obtain both TUPE

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as
well as Title IV funds for tobacco education?
A. It's possible. It depends on how they decide
to use the Title IV.
Q. Could they have money for or through TUPE as
well as Title IV funds to be used specifically for
tobacco?
A. Say that again, I'm sorry. I'm getting tired.
Q. Could they have TUPE funds for tobacco
education as well as Title IV funds that they've
earmarked for tobacco education?

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A. Yes, it's possible.
Q. What is the average range of these budgets for
TUPE going to grade 4 through 8? How much money are we
talking about?
A. Oh, gosh, it depends on how many kids are in
the district, you know. It's all based on numbers of
students.
Q. Is there an average number?
A. Oh, God, I don't know. No, I can't think of
what an average might be.
Q. Can you think of what the largest would be?
A. I'm not remembering.
Q. Are we talking about funds in excess of
$25,000?
A. Yes.
Q. In excess of $50,000?
A. Yeah.
Q. In excess of $75,000?
A. Uh-huh.
Q. $100,000?
A. I think our biggest district, it's something
over $100,000, but I'm not sure exactly how much.
Q. Okay.
A. Although it's public, that's public
information. That could be produced easily. I just,
off the top of my head, can't remember.
Q. All right. We have TUPE funds, we have Title
IV funds. Tell me about how a high school goes about

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getting a competitive grant.
A. An RFA comes out, request for application, and
what we do is we provide -- well, the state provides
some technical assistance, if people choose to go
to

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these state meetings then we also provide local technical assistance.

And in our office we hire a consultant and he's very good at working closely with the districts on showing them how to do a quality application. And, you know, he works with them and helps them through the process.

And they fill out the application and come up with, you know, an idea for the kind of program they want to provide. Usually there's a strong -- there has to be actually a strong cessation component. That's really a focus at high school level because a lot of the kids are already using tobacco. We really want to help them stop using it. It's sort of a combination preventing those who never used from starting and helping the kids who are already using to stop.

And then the application is submitted and there's a peer review in Sacramento. The State Department of Ed pulls those people together and they read the grants according to a rubric, and then they choose the grantees.

And actually, we just heard that a couple of our districts did not get selected this time, which was very disappointing. So that means they either have to

use their Title IV funds or they have no program at all.

Q. Let's back up.

A. Okay.

Q. The RFA comes from whom?

A. CDE, California Department of Education.

Q. Do any of these competitive grants come from the California Department of Health Services?

A. No. In fact, I think there's some rule where we're not -- they do give grants, but we're not allowed as schools to partake of those funds. We have to keep our funds separate.

Q. Your avenue is through the California Department of Education?

A. Yes.

Q. Okay. So the application is submitted to whom?

A. To the, directly to the Healthy Kids office at the Department of Education. So I often don't see

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those
applications.
Q. All right. Is there the advisory board requirement that exists for Title IV or TUPE?
A. That I'm not sure about.
Q. Is there the school board approval process that is a part of those other two programs?
A. I just need a second. Gosh, you know, I'm not sure on that one because it's a grant. It's different than an entitlement. So that I'm not sure about because I'm not involved in that part of the process.
Q. Sure. And as I understood your testimony,

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those seeking a competitive grant are not required to have you sign off on a budget or application?
A. No.
Q. All right. And there is someone associated with the California Department of Education who provides technical support to assist people in writing their applications; is that correct?
A. They put on some kind of meeting. And it's not really to assist them. I think their meetings are more like a bidders conference, if you know what those are.
It's more like, "This is the RFA." They kind of describe the process for applying. I don't think it's really a technical assistance-type experience because they really can't do that because it's a competitive process.
So they can't -- it wouldn't be fair to give any real advice other than, "This is what we're asking you to produce for us." We provide the technical assistance through our own consultant.
Q. "We" being the Contra Costa County Office of Education?
A. Yes.
Q. And you hire a consultant?
A. Yes.
Q. And who is currently the consultant that your office uses to assist the districts?
A. He's name is Ira Sachnoff. That's just one of many hats that he wears for us.

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Q. Is he a full time employee with the county?

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A. No.
Q. Is he hired on a contract basis?
A. Yes.
Q. What funds go to pay Mr. Sachnoff for his consultation services with respect to the application process for competitive grants?
A. We pay him through our TUPE admin budget.
Q. And am I understanding that to mean administration costs associated with tobacco?
A. No. The money that we get from the Department of Education to do tobacco education is called an admin budget. And that just means at the county office level we're not providing direct service to kids, but we're doing a lot of things to support the districts.
And so we have some discretion about how we use those funds. You know, we have to do a very extensive plan, actually. And talk about how Ira, you know, will support districts and his duties as a consultant as part of that plan.
Q. All right. And the TUPE funds are used even though this is a competitive grant program?
A. Yeah, we are charged with supporting our high schools in the competitive grant process. That's part of our responsibility.
Q. All right. And the Department of Education then reviews these applications, correct?
A. Yes. Yes, but they use a peer review process

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so that some of the coordinators -- I know somebody, someone I know, who's a county coordinator, went up and she read grants. District TUPE coordinators would go and read grants. They just would never read something from their own county. And there's a rubric that they use, so it's very, very consistent. And then of course the department makes the final decision.
Q. What rubric do they use?
A. It's their own rubric they designed; point system. That's how the Department of Ed always handles grants. I've read grants before, never read these particular grants, but it's always the same.
There's a system for reading and for

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scoring
based on a point spread. And what high points would
look like, what medium points would look like, what low
points would look like, some kind of thing.
Q. Are certain criteria looked for in these applications?
A. Yes.
Q. Do you know what those are?
A. No. Because I wasn't a grant reader -- actually, I won't say that. Strike that.
Yes, every time a grant is, or every time an
RFA is released, the criteria is made known to the person applying for the grant. I don't know the criteria off the top of my head, but the districts applying always know the criteria. And the same criteria is used in the peer review.

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Q. Is the same criteria used for each RFA or is it
tailored for the specifications of a particular request?
A. No, it's not the same in each RFA. Yes, it's
tailored per specifications of each program.
Q. And when the application is peer reviewed, points are assigned if the applications incorporate the
criteria that is required?
A. There's always some kind of points assigned,
you know, and depending on whether or not they respond
to that criteria.
There's usually, you know, a narrative section
and then a budget section with a budget justification
that accompanies the narrative. And sometimes there are
other documents that all have to be there. So there's
lots of different things they look at.
They look at format. They make sure it's done
correctly. They make sure all the right signatures are
there.
And then the rubric helps the reader assign
those point values to each question. And then of
course, the department has the final say on who is
funded.
Q. And have the high schools within your county
received competitive grants in the past?
A. Yes.
Q. And do each of the high schools in your county
make such applications for competitive grants?

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A. Not all of them have applied. And as I said

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before, not all of them that have applied have been funded.

Q. Is there a certain percentage of approval rate for these applications?

A. I haven't heard of a percentage. You know, there was sort of a feeling that anybody that applied was going to get funded, and that's not happening. So I think that's a rumor.

We have had a really good rate in the past of approval, but this time we're kind of disappointed. We just found out yesterday about a new cycle. And one district in particular we were very surprised didn't get funded.

Q. How many applications for competitive grants were submitted for the last fiscal year?

A. I'm not sure. Because there are different cycles that are overlapping with these things.

Q. Are they on the fiscal year?

A. No, they aren't. I think they were either two- or three-year grants. And they started at odd times of the year. You know, like they might start, I don't know, in May or June or something, which doesn't necessarily coincide with the traditional fiscal year.

Q. What is your fiscal year?

A. Our fiscal year is July 1 to June 30th. But often grants don't coincide with that, and it gets very confusing.

Q. All right. Then let me rephrase my question.

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A. Okay.

Q. During the last cycle --

A. Okay.

Q. -- do you know how many applications were submitted for high schools in your county?

A. I don't know.

Q. Do you know how many applications were granted or approved for high schools in your county?

A. Let's see, I just heard yesterday. There's three that I know of that were funded. But I heard, you know, I heard over the phone from somebody, not

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from the
state department, someone else that had heard from the
state department -- I'll get a letter about it. I just
haven't received it yet.
And I know of one that didn't get funded. But
there may be more that applied and I just don't know
that yet. Of course I won't know that until I get the
letter. It's also on the website.
Q. What website is that?
A. The California Department of Education website
posts the districts that are funded, statewide.
Q. Do you know what that website is?
A. Not off the top of my head. I have it sitting
on my computer.
Q. Of the prior cycle of funding, for the
competitive grants, how many high schools in your county
got approval of competitive grants?
A. Actually, we don't count them by high schools.

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We count them by district, and then it's up to the
district, you know, to -- in other words, we have
Acalanes School District, for example, that's a high
school district. They have five high schools in their
district, so it's by district, is how they are funded.
Q. All right.
A. And again, it's a confusing question because
there's so many overlapping cycles that I can't keep it
straight without looking at the paperwork in front of
me.
But we've had several high schools funded over
the last few cycles. High school districts and K-12
districts, because, remember, the K-12 districts have
high schools and then we have two high school districts
that only have high schools.
Q. All right.
A. And those two high school districts were funded
this time.
Q. How many K-12 high -- how many K-12 districts
include high schools? Let me rephrase that question.
The K-12 districts include high schools;

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is
that right?
A. Yes.
Q. How many districts are K through 12?
A. Okay. I have to think about that. We've got, there's West Contra Costa, sorry, Martinez, I'm just going geographically, John Swett, Pittsburg, Mt. Diablo, Antioch, Acalanes, Liberty, San Ramon. Am I forgetting

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anybody?
I think all the others are teeny-tiny elementary districts, you know, K-8 districts. I would say nine or ten, estimate.
Q. So in Contra Costa there are nine to ten K through 12 districts?
A. Yes.
Q. And in Contra Costa there are two high school districts?
A. Yes.
Q. Okay. Do you know why it was that the district you thought would get funding did not, in fact, get approval of its application?
A. No, I don't. All I know is they were below the minimum points. And I don't know what the minimum points were. I don't know why they didn't get funded at this point.
They will hear. They are very good about giving feedback about that.
Q. In addition to having high school students not start smoking, and if they are smoking to get them to quit smoking, are there any components of the programs, to your knowledge, that address environmental tobacco smoke?
A. The only one that I've personally seen an emphasis on is a program that started in 1990 called, Healthy Generations Healthy Learners. It's not funded through the tobacco funds, but it's a mandate.

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It's prenatal substance use prevention education. So there's -- there's an Ed Code 51203, which mandates that this instruction happens once -- minimum of once in junior high and once in high school. And it's to teach kids about the dangers of substance

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use during pregnancy.
There was a big push toward this legislation a few years back, I'd say from around '92 through '94, there was a big push toward training. And I was one of the people you know that was charged with doing this training.
So part of that training involved the dangers of secondhand tobacco, marijuana and crack smoke to the fetus. And so there was a lot of discussion in that training about talking to kids about, you know, if someone is pregnant, they really shouldn't be, even if they aren't using, they shouldn't be in the room. They shouldn't be in the house. The windows should be open. They should get out of the house, the cars, whatever.
That's the time it really stands out, we had that discussion. We were not doing that much training anymore; however, I get called on periodically to do the training, mostly in West Contra Costa school district.
Q. Why there?
A. I think they are, first of all, they are very concerned about their youths in their community. They have high rates of substance use. And they have a very excellent coordinator, you know, who is a shining star.

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So she brings in a lot of the different training that maybe the others either aren't aware of or don't include in their program.
Q. Is it still a mandate through the education code that information regarding the dangers of substance abuse while a woman is pregnant be offered to high school and junior high school students?
A. It is.
Q. And that type of instruction must be provided at a minimum one time a year?
A. No, a minimum of once in junior high and once in high school. And that's the only minimum criteria

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that's given. It has to be part of their comprehensive prevention policy. And then the district decides in which grades and in which subject it's taught.

But they must provide it a minimum of once, you know, in that junior high and once in high school.

Q. All right.

A. But there's no dollars attached to it. So like other mandates, you know, there's no accountability, whether or not it's being provided. There are a lot of mandates in the Ed code that because there are no dollars, there's no funding, there's nobody checking to see if it's really happening.

Q. All right. And the way that programs are checked to determine their efficacy is through the use of their funding?

A. A lot of times that's what happens,

unfortunately. However, you know, it's really -- I've seen that it's really part of a good science curriculum or health curriculum.

Q. That's where it more naturally fits in?

A. And it was happening there.

Q. Was that a "yes"?

A. Yes, sorry. It was happening there before it became a mandate, is what I find.

When I went to the districts to do the training, I had science teachers sent by principals and saying, "Why am I here? I'm already doing this." I would say, "That's terrific. That's what I want to hear."

Q. "Keep doing what you're doing"?

A. Exactly.

Q. I believe you testified that the funding for the competitive grants is a two- to three-year period of time?

A. Yes. And it's confusing because, again, I don't like giving information that I've sort of heard through the grapevine, but my consultant tries to stay on top of it. And every once in a while he'll tell me something that I haven't gotten in writing yet. I always get it in writing, but it's a little bit after I hear it.

What he's saying to me now, anybody funded

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in
the last cycle is being offered an extra year cycle this
time. So the district I told you about that we're so

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disappointed that didn't get funded, it looks like we'll
have an opportunity to have one more year to attach to
the old grant and then they can reapply for a new cycle.
But again, this is hearsay and I won't know
until I see it in writing.
Q. All right. Other than the TUPE funds, the
Title IV funds and the competitive grants, are there any
other ways in which the schools in Contra Costa get
funding for tobacco education programs?
A. Let me think about that. Not through the
Department of Education. Let me think about whether
there are any other ways they can get it.
Not that I can think of. I told you about the
innovative grants, right?
Q. Let's talk more about those.
A. Okay.
Q. From what source do the innovative grants come
from?
A. Those come through, again, the California
Department of Education. And there's also something
called promising grants that are separate from the high
school grants and separate from the entitlements.
Q. And separate from the innovative grant?
A. Yeah, there's entitlements for 4-8, there's
high school competitive grants, there's innovative and
there's promising.
Q. All right. Let's talk about innovative grants
first.

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A. Okay.
Q. The source for those grants is the CDE,
correct?
A. Yes.
Q. All right. And what types of students are
eligible for innovative grants? Is it limited to a
grade?
A. No. So it would be K through 12.
Q. And do we have a DATE coordinator who seeks out
these funds?
A. A county office can apply or disapply.
Q. What is the name of the person designated

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at
the county office who could apply for an innovative grant?
A. Can you -- I'm sorry, could you ask me that again?
Q. Is there a title or a designation of a person at the county office who tries to get an innovative grant for the county?
A. That would be me.
Q. Okay. So Debbie Supple would be the designation?
A. In our county, yes.
Q. When you do this type of work, what hat are you wearing?
A. County TUPE coordinator.
Q. And when someone from the district directly applies for an innovative grant, what would their title

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be?
A. DATE coordinator, district DATE coordinator.
Q. What is the first step taken to try to get an innovative grant?
A. It's the same kind of process as the competitive grant. It is a competitive process. An RFA comes out, and actually this year they were all sort of lumped into the same RFA pack, but they were separate applications, which is the first time that's ever happened. Usually you get this one and that one. This time we got it all together.
Q. You got one package from the CDE?
A. Yes.
Q. And it included an application for a competitive grant for high schools?
A. Yes.
Q. And an innovative grant?
A. Yes.
Q. And a promising grant?
A. Yes.
Q. Any others?
A. No.
Q. Okay. An RFA comes out. That tells you what?
A. Well, the innovative process is, as I said earlier, it's to come up with something that you might want to try. It's an opportunity to either do a study, try something new. Sometimes you use a promising curriculum to do something innovative with.

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I mean, there's a lot of options. It's a way of trying new things to see how they work and not always having to stick to the same old thing all the time, if maybe there might be some other method that might be more effective.

And, you know, I just realized, too, that we received -- I wrote a grant and received it for this year and next year that was an innovative grant. And we just terminated it. We just cancelled it because it wasn't working. And I forgot to tell you that.

I was thinking what we had right now, but we had that when the year started and it just did not work so we gave it back, basically.

Q. What was the subject of the grant?

A. It was a study. And it was looking at continuation high school students who tend to be smokers. About 85 percent of that population already smokes and nothing really has been done in terms of studying that population.

So we wanted to see if kids involved in tobacco-specific service learning projects would be more apt to want to quit and less apt to start if they were in that small percentage who never started. And we had a study going where we worked with one continuation site in-depth with service learning that was related to tobacco and then at another site in L.A., that was a control site. We were trying to show that the site that was doing all these great things in service learning was

going to have better, fewer kids continuing to smoke.

And due to circumstances beyond our control, there were some union issues at the site level and it just, we just couldn't make it work. So we, along with the Department of Education, decided that maybe this wasn't the best way to go. So we terminated it.

Q. What was the amount of that grant?

A. It wasn't much. $85,000 for two years.

Q. And were you required to return any unused portion of that grant money?

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A. Yeah, the way it works for this grant is, you invoice based on what you've used. So we only invoiced for the amount we used and then we didn't invoice for the remaining balance. And then I don't know what happens to that money. I think it goes back into that pot where they can, for other kind of innovative programs, I think.

Q. All right. We have an application. Does it go to the Department of Education?

A. Yes. It's the same process as the high school competitives. There's a peer review, a rubric point spread, you know, and last year there were only four innovatives in the whole state that were allocated, or that were funded. We were one of the four. I don't know how many they are funding this year.

Q. To your knowledge, have any of the innovative grants pertained to environmental tobacco smoke?

A. Not specifically. However, had our program

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continued, there was an option for students who were interested in that area to get involved in that in terms of service learning.

Q. What do you mean by service learning?

A. The way that the grant was written was, we started everybody out on learning how to create a website. And this was going to be a tobacco-specific website. And this was to get kids really excited, obviously, about technology, give them some skills. And then service learning means they would have had to come up with some activities related to tobacco to provide a service to the community, and then also learn some academic skills.

So an example might have been, they might have produced a brochure to put in a pediatrician's office in a community, for example, talking about why kids shouldn't start smoking. They might have gone to speak to an elementary school about how they can save their money by not smoking.

Q. One option would have been some brochure or

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other materials related to environmental tobacco smoke?
A. Yes, if they chose to do that, it was certainly an option for them. There was a curriculum, which I will produce for you, called Youth Media Network. And it is funded through Prop 99, not education funds, but through the other funding source. And they have a website and they do all kinds of things with kids and technology.

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And so they were involved in this grant and they would have worked with kids. And I think, I'm not positive, but I think possibly one of the options was looking at environmental tobacco smoke, but I might be wrong, but I don't want to say it didn't. And I'll produce that if it does.
Q. Thank you. Am I correct that the innovative grants still must focus on tobacco education for children?
A. Yes.
Q. Is there also a portion that addresses tobacco education for adults?
A. No. We really focus on kids. And, you know, earlier you asked me if it was K-12 for the innovatives. Now I'm thinking it might only be 7 through 12.
Q. All right.
A. I'm not sure. We always focused on the middle and high school because there's not as much that's been done in that area, so I can't remember.
Q. All right. During the year where four innovative grants were approved for the whole state, you were going to be doing a study pertaining to continuing high school students.
Do you know what the subjects were of the other innovative grants?
A. Continuation high school students. Those are kids, remember, that aren't in the comprehensive high school. I don't know what the other subjects were

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pertaining to.
Q. You indicated that the amount of your

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grant was
$85,000 for two years; is that correct?
A. Yes.
Q. And you referred to that as not a very big grant?
A. No.
Q. What would be the average size of an innovative grant?
A. Well, we were limited to $100,000 for two years.
Q. The innovative grants?
A. For the innovative.
Q. Are limited to $100,000 for two years?
A. Yeah, they were for that cycle. So we built our budget based on that and requested the $85,000.
Q. For other cycles, is the amount available larger or smaller?
A. You know, I'm not sure. I only know about that one specifically because I actually wrote the grant.
Q. Tell me about the promising grants.
A. I've never written one, so I'm not as intimately familiar with them.
But I think the promising grants are where a district or a county office would choose a program that had already proved promising to adopt and use and set up a program at a site.
So, you know, it could be a curriculum that had

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been evaluated, let's say, and was recommended by the Healthy Kids Resource Center. And they may have, you know, wanted to get a program going, let's say, using that curriculum, or maybe it's a cessation program like the TEGTAP program, which is one that a lot of our schools are using.
Q. What is that?
A. It's called Tobacco Education Group and Tobacco Awareness Program. It's really an awareness education program and a diversion program in one.
So if a student is caught smoking or chewing or in possession of tobacco, then it's sort of like an in lieu of suspension kind of thing. They have to go through this awareness program and then they go through, they have a choice about whether to go through the cessation piece, but we hope that they choose that.
Q. We talked about the medical model and the

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social influence method. Is the idea that smoking could bother another person part of the social influence method?

A. No. I haven't heard of that included in the social influence model. But you know, it pops up. Like I said, it's not a focus, but it's definitely part of different curriculums, you know, at different times.

You know, maybe there's a section on it. You know, it's mentioned, but there's not an emphasis on it. And I can't remember if it's part of the tobacco awareness tobacco education program or not. I know it's

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a strong medical model, though, in that program. I went through the training and I had some concerns about that.

Q. In the TEGTAP program, it's a medical model?

A. There's a strong medical model. They do talk about peer pressure and resistance and all that, and the advertising. The social influence model is there, but they also really do focus on the medical model as well.

Can I use the restroom?

MS. BRITTMAN: Let's go off the record.

(Recess taken 12:05 to 12:14)

MS. BRITTMAN: Before we continue with the deposition, I just want to put on the record that we have attached as an Exhibit 800, the Notice of Deposition, which was served on all parties including counsel for plaintiff. And plaintiffs have not been attending the depositions and, in fact, are not here today.

Q. Okay. Is there an average amount for which the promising grants are issued?

A. You know, I cannot remember how much. My consultant is intimately familiar with it. That part of it, I am not remembering.

Q. And that is Ira Sachnoff?

A. Sachnoff.

Q. And although it may not be the focus of a promising grant, would it be expected that environmental tobacco smoke would be one of the issues that would be

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incorporated within the tobacco education programs

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funded through these grants?
A. No.
Q. Why is that?
A. You used the word "expected." I don't know it's expected. It could be if someone chose to focus on that, I guess. But it's not expected.
Q. Okay. I guess my question, or what I was thinking was, with the goal of preventing children from smoking and getting them to quit if they are already smoking, would there also be education in these programs relating to all aspects of smoking?
A. Yes.
Q. And that certainly would include environmental tobacco smoke?
A. It could.
Q. Okay. Are there any other sources of money to fund tobacco education in Contra Costa County that you are aware of that we have not yet already discussed?
A. Well, you know, certainly health services has a pot of money. I have no idea the amounts there. And they can't provide direct instruction in the classroom or supplant anything that the classroom teachers should be doing.
But they do different activities around the county. There are community-based organizations, for example, who have what they call in our county adopters, tobacco adopters. So they adopted different tasks. And some of those are in the schools.

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Q. Is it an organization that becomes a tobacco adopter?
A. Yes.
Q. Can individuals be a tobacco adopter?
A. I'm not sure.
Q. Is it corporations who become tobacco adopters?
A. I'm not sure if they are corporations. I'll give examples. Would you like me to do that?
Q. Please.
A. Pittsburg Preschool is an adopter. And

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their
emphasis is not on youth, it's on women, which is a separate, it's separate from our schools. The Center for Human Development is an adopter. They are in the schools. And their -- I'm sure they are nonprofit. I won't say that. They operate like a nonprofit. I'm not sure if they are for profit or nonprofit. I'm not sure about that, but they are a community-based organization.

And they are focusing on cessation, youth cessation. So they are working with the schools. They actually helped put together that Tobacco Education Group and Tobacco Awareness Program that I talked about; the cessation and program in lieu of suspension.

And they put the training together and had a lot of people trained and running cessation groups and running that awareness program. That's what they've adopted.

I'm trying to think who the other adopter -- oh, we have -- I'm trying to think if they are an

adopter or not. I know that the health department has a program, it's called TIGHT, Tobacco Industry Gets Hammered by Teens. And that's our very big advocacy program in Contra Costa County.

I would say that TIGHT was instrumental in making the tobacco youth ordinance happen in convincing the board of supervisors to pass that ordinance in the unincorporated areas of the county.

Q. Okay. I want to talk about that, but I want to focus for a moment on the funds that come from the Department of Health Services. That is the department in Sacramento, correct, the state?

A. Well, yeah. And then they each have county health departments.

Q. Okay.

A. That's who we work with. But we never see any direct funds from them. It's services, I think.

Q. So one of the services that gets funded through health services is tobacco adopter, correct?

A. Yes.

Q. And one, for example, is the Center for

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Human
Development?
A. Yes.
Q. Which may be a nonprofit?
A. I think so.
Q. Okay. And the program that they are most interested in is youth cessation?
A. That's the program that they have adopted.

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Q. Okay. And what activities -- strike that.
The tobacco adopters, do they all have programs within the schools?
A. No.
Q. Only some of them do?
A. Only some of them do.
Q. And the Center for Human Development is one such community program?
A. Right. And they happen to be in the schools, which is why -- that and the TIGHT project. I can't remember if TIGHT is -- I don't think -- I'm not sure if they are an adopter or just a program that health services funds, but they are definitely in the schools.
Q. Okay. And give me some examples of what the Center for Human Development has done in the schools that pertain to youth cessation.
A. They've sponsored a training, countywide training -- actually, a couple of them -- where educators who are willing to run groups for kids can attend and get trained.
And we looked around for really good models for youth cessation. And it was, you know, there aren't a lot out there. And this program has been evaluated for its effectiveness. And it's also endorsed, not endorsed but it's -- strike endorsed, please. It's recognized by the Department of Education as a successful program. So that's been their focus up to now.
Q. Does -- strike that.

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Do any other health services programs come into the schools?
A. Let's see. There's Center for Human Development, the TIGHT project -- I need to think about that. I can't think right now, but it might come to me.

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Q. All right. And, you know, you can tell me if something comes to mind.
A. Okay.
Q. All right. Are there any other entities that provide services to the Contra Costa County school districts regarding tobacco education?
A. Yes. American Cancer Society by request. We don't have -- we don't really have a Heart Association out there, which is interesting. The Lung Association is available also. And they sit on that adopter committee.
Now I'm remembering they were involved in merchant education, which indirectly affects the schools because they are looking at advertisement and where advertising is placed in terms of the eyes of a child and how close to the candy, and all of that kind of stuff.
So they are indirectly associated, but they are not in the schools. But they can provide support to schools, you know, on a request basis.
Q. What type of services has the American Cancer Society provided to the schools within Contra Costa County?

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A. You know, pretty limited, actually, because there hasn't been a very active representative for a while. At one time somebody from the Cancer Society chaired the tobacco coalition before me. That's been a while.
I think we've had them come to a DATE meeting one time and kind of talk about what they can do. And mostly it's that they have a couple of curriculum, and I'm not even familiar with the titles of those curriculum. I know that if a teacher wants to call them up and buy, I think they have to purchase it now, they can. And they -- and that's pretty much all I know about that.
Q. Okay. What support has the Lung Association provided?
A. Let's see, I'm trying to remember. We had somebody, I don't remember what he was doing. There was

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a guy from the Lung Association on the adopters committee.

It was the merchant education, which, again, as I said, is kind of, you know, it's -- they are a partner, certainly, but it's certainly more indirect where different community people went out -- they developed a binder, a merchant binder so that community people -- I even did it.

I went out and I went into local businesses and talked to them about the law, you know, about not selling to minors.

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And then we gave them this really nice binder with a lot of resources in it so they would know what the law was, know how to call for help and know how to be supported; stickers they could put up at point of sale type of thing. It was actually kind indirect.

But they, they are on the coalition. No one from the Lung Association really comes to our DATE meetings. Cancer, once in a blue moon, someone will show up at a DATE meeting, but always someone from human development is at our DATE meetings. They are a regular attendee.

Q. Other than the entities you already testified about, are you aware of any other entities that provide services for the schools in Contra Costa County?

A. We do.

Q. And --

A. I do.

Q. And your office does. And what does your office do?

A. Well, as I described earlier, we have Ira available for the competitive grant process. And I've already mentioned how I assist with the con apps. There's also another coordinator in my office who assists on a very part-time basis, and her name is Carol Burgoa.

Q. How do you spell the last name?

A. B-u-r-g-o-a. She's gone up to the state and been a peer reader on some of the grants. She comes to

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the DATE meetings and does a more limited tobacco role.

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She's much more involved in the violence prevention piece. But every once in a while she will assist with the tobacco.

Sometimes we get a request to do a training. It's been a while since anyone has requested that. But when we get a request, we actually go out to the district to do it.

We used to hold trainings at the county office. And because of the horrendous traffic problem and no staff development days for teachers, and it's very hard to get people to come in for central training, people know if they want a training we'll come out and do that. So on occasion, I'll go out and provide that.

Q. And the training is for the teachers?

A. It's for the teachers, usually the elementary and the middle school teachers. The 4-8 group is really who I worked most extensively with.

Q. What other support does your office provide?

A. Linkages, resources, linking people up if they need a particular service, if they need -- if they need an idea for doing something tobacco-related. Like assembly, for example, we might hook them up with a good presenter or a good program. A lot of times I refer them to the Healthy Kids Resource Center, again, if they need to look at curriculum.

We also do two regional events every year that we're very involved in planning. And I mentioned one

earlier, the tobacco educator conference.

Q. In Berkeley?

A. In Berkeley. And that serves the educators in seven counties. That's in May this year. And then we, we just finished our second annual Teens Tackle Tobacco conference. Again, also at UC Berkeley. And we bring together about 500 kids from all over the Bay Area and deal with the issue of tobacco.

Q. What issues?

A. Highly successful. Mostly prevention and cessation. I don't -- I'm trying to think what

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else.
Prevention, cessation, advertising issues.
Q. Any ETS, environmental tobacco smoke?
A. That's what I was just thinking. I don't think so. I don't think that was on the agenda this time or last time.
Q. You stated that the program was very successful?
A. Yeah.
Q. How do you determine that a program is successful?
A. Well, we do an evaluation where everyone that attends -- we encourage everyone that attends to fill out an evaluation form on each workshop they attend, and also the beginning session and the closing session, and word of mouth and attendance, repeat attendance.
You know, we had, I think, 400 last year and we had 500 this year, and this was capacity. We had to

close it. We were filled to capacity and had to turn people away. So that's another way of judging.
People really liked it last year and came back this year.
Q. Does the evaluation form communicate to you that your message is getting through?
A. Yeah. Because we ask kids and adults, you know, that attend the workshops, you know, what they got out of the workshop and, you know, how they might use this information when they go back home.
We also did a closing activity. Actually, I was in charge of that. Someone from Youth Media Network, we did it together. And the closing was about change and about responsibility and about local responsibility. And then almost about the responsibility to your community and commitment and how we're going to go back and make a commitment, a bigger commitment than just yourself.
And we have this big map of California up on the wall. And what we asked for each group to do was to write on Post-Its the name of their district, the name of their school and what they were going to go back and

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do. And we had them go up to the map of California and we had this cluster up around the Bay Area for a visual effect to show the power of a lot of kids working together can have. And that gives us a lot of information. We go back with the Post-Its and we see this is what everyone is going to go back and do.

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Q. Those were all different activities that were going to be performed to educate other children about potential risks associated with smoking?
A. Yeah, and to try to convince their peers not to start. And if they are already smoking or chewing, ways they can get involved in quitting.
Q. And those were Post-Its, multiple Post-Its all over the Bay Area of all the activities these kids were going to be doing?
A. Hm-hmm.
Q. Is that a "yes"?
A. Yes, sorry, yes.
Q. And that also would be an indicator of the success of the program, I would assume?
A. Right, yes. That's what I was thinking. It's that in conjunction with the evaluations that we kind of use in planning our next conference.
Q. Does your office prepare any curriculum materials?
A. At times we do. I'm trying to think. The binder I told you about, the step binder was our big, you know, famous statewide curriculum attempt. That's probably the biggest thing we've done in curriculum.
Q. And that involved a chapter or so on ETS?
A. I'm not sure if it was a whole chapter. That's what I'm not sure about, but I'm positive there was something in the binder about it. It may have only been in the appendix. I can't remember if there was an

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actual -- there might have been a unit or lesson on it, I'm not sure, but I'll produce that for you.
Q. If it was in the appendix, that would mean it was somewhere within the material?
A. Yeah, we included a very extensive appendix. The appendix, my memory might be failing me, but I

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know
we included the addresses to the tobacco executives if
kids wanted to write to them. Addresses to their, to
the President and the Governor; of course it's outdated
now. This was done in '96. The effects of tobacco.
You know, if you quit, one day after you quit,
you know, this, this and this improves, you known; ten
days after you quit, these things improve; 30 days, on
and on, those kinds of things.
So I'm thinking that there might -- and some
tobacco facts. Somewhere in that appendix I think there
must be something there, might be something about it.
And I may be forgetting that maybe one of the actual
activities or lessons might have included it.
I'll go back and look at the whole thing, and
if there's anything at all that has to do with it I'll
send it to you.
Q. Does your office, at any time, publish
brochures related to tobacco education?
A. Not brochures. The only thing we've published
in the past is, we have a publication called Network for
Learning, which goes out to all of our schools. I think
it's quarterly, three times a year. It's kind of our

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county office curriculum and instruction newsletter.
And we used to hold, as I told you, centralized
trainings. And that I say in the old days, we haven't
done that now for at least a couple years, but back when
I first started, for a couple of years after I started,
we provided training. And we would do a little blurb
describing the tobacco training and the cost, and the
time, and the location, and that kind of thing would go
out. And then we also -- I published an exciting
article about when we were awarded the innovative
tobacco grant, I remember.
But not too much in writing goes out about the

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work that we do.
Q. All right. The Network for Learning document that's issued on a quarterly basis, was that directed toward educators?
A. Yes.
Q. Do you publish any materials directed toward the students or children of the --
A. No. The only thing we publish that would go out would be a flier. For example, the youth conference, a flier went out to all of our schools and some of our partners, even, to recruit kids to come to the conference.
And then the same thing for the educator conference, there's a flier that goes out. It's a registration flier kind of thing. It's blanketed across the county.

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Q. Are there any other support services that your office provides to the various school districts in your county?
A. Well, there's training, as I mentioned, technical assistance, support, resources, dissemination of materials and information. I think that pretty well covers it.
Q. Other than assistance in preparing applications for grants, what other technical assistance does your office provide?
A. Well, it could be, you know, that a new coordinator comes on board who doesn't have a background in prevention. Or they might, they just might need some assistance understanding their role.
Often we do an orientation with those folks and we try to buddy them up to be monitored by one of the other coordinators.
Presentations to parents, community members, teachers is another. I don't know if that's technical assistance. It's sort of separate from trainings. I'm not sure where that fits. I just thought of that.
We do that on an as-needed kind of basis. Helping them understand -- you know, writing the application is one thing. Implementing it and evaluating it are completely different things.

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So we're also available. I get calls from them all the time, "I'm thinking of doing this, is this okay and what do you think about that?"

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And then this whole Healthy Kids survey piece has been huge, you know. In education, I know, you know this from reading the newspaper, right now there's big emphasis on accountability in data and results. That's certainly true in my office and in my county.

So I'm doing a whole lot -- I'm anticipating my role will be changing a lot. I think we're going to be really looking at those results and interpreting them, helping them to interpret what they mean.

It's one thing to give a survey, but if you don't know how to use the data, it's useless. So what we're going to work on is helping districts, first of all, learn to read it because that's a whole training in itself.

Q. Sure.

A. And then interpreting what you've read, what does it really mean, and then now how do we use that data in our planning. And that's really my guess next year is going to be a huge piece of our technical assistance.

Q. All right. Is there anyone responsible in your office of staying abreast of scientific or medical information regarding tobacco?

A. Well, there's really me and a little bit of Carol, and -- the other coordinator. And really the information that we rely on is what we get from the California Department of Education. And anything beyond that is our choice on whether or not we want to surf the

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net or, you know, read more in-depth articles.

Most of what we get is from CDE, and I think they are getting their information from -- there I go again -- from CDC, Center for Disease Control. That's

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where we get our information.
Q. How often do you receive scientific or medical information from the CDE?
A. The scientific medical thing, we don't get as much of that any more. It's sort of like everyone knows, you know, the dangers of nicotine and the addiction process and, you know, cancer and all that.
We're all aware of that.
So there isn't a whole lot of emphasis on that, as I said before, that medical model. Most of the information that we get from CDE is around, well, legislation more than anything else. And you know, how to apply for things and handle -- you know, a lot of it is fiscal.
And then they are really emphasizing that social influence model with us. Not to negate the other, but it's -- there's not a lot of energy in that direction anymore.
Q. What materials are provided from the CDC?
A. Nothing directly from the CDC, that I can recall.
Q. When the CDE provides you information, are you able to tell what information comes from the Center for Disease Control?

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A. I would say, yeah, most of the time it's clear. CDC guidelines kind of thing, is how it's labeled for us. I'd say yes to that.
Q. What effect does the CDC mandate have with respect to the type of services your office is to provide?
A. It's a guideline for us. We look at it more like a guideline than a mandate. CDC, you said?
Q. Correct.
A. Yeah, it's guidelines for what a good tobacco prevention program should include. So we kind of, you know, we use that as our guidelines. And then of course CDE has adopted that as our guidelines as well.
Q. Have you ever been -- strike that.
Has it ever been suggested that environmental tobacco smoke be a portion of the tobacco education program that your office is overseeing?
A. I'm not sure. I know there hasn't been an emphasis, but I'm not saying it's never been mentioned. I just can't remember in what context.

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Q. Based on your experience in your county and in other counties in which you've worked, has it been your experience that the Department of Health Services addresses environmental tobacco smoke issues?
A. Yes.
Q. To the general public?
A. Yes.
Q. And do you think they do a good job in doing

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that?
A. I think that it could be done better.
Q. How could it be done better?
A. I don't think it's getting into the schools. I think, you know, it's discussed maybe at a tobacco coalition meeting where the schools certainly, you know, could be there, but it's not real feasible for them to get there all the time because they are not showing up there.
And it's one thing to talk about it at a meeting where you might have one or two people, but it's very, very hard to filter that down to the school site. And you know, I know that's one of their main focuses at the health services is ETS, yet I'm not seeing that the way I'd like to see it at the school site. And I'm not even privy to that much information about it, as you can tell by my answers. I'm very sketchy because I'm sketchy.
I'm just not getting a lot of information around that that I could disseminate and share. And as I said earlier, with one coordinator for an entire district, it's hard enough as it is to get out what we do have that I don't think they are getting what they could be and should be getting from health services.
Q. Whose responsibility is it, based on your experience, to get the issue of environmental tobacco smoke into the schools, as you were suggesting it should be done?

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A. You know, I'm not sure. You know, that's confusing because, again, you know, our mandate is to keep kids from starting and to help them quit.

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So I think, you know, we're doing a really good job, I hope, I think, of, you know, getting kids to become aware, you know. And I think we're doing a pretty good job of that.

But I don't think we're doing such a good job of the other, and I'm not sure if, you know, if I, we, should be looking to CDE for that kind of leadership or if it should be coming from health services. I'm not totally clear on that.

I know that I'm not getting that kind of information like I am getting information about the other pieces of the program.

Q. So as you see it, the goals of your office are to oversee tobacco education with the primary goal of preventing children from smoking and the secondary goal of if they are smoking to get them to quit smoking?

A. Yeah. Yes.

MS. BRITTMAN: It's quarter to 1:00. Why don't we take a lunch break.

(Lunch recess taken 12:45 to 1:03)

MS. BRITTMAN: Q. Ms. Supple, we have talked about the various sources of funding and the goals of your office, as well as the activities that are performed to meet those goals; is that correct?

A. Yes.

Q. All right. Now, I'd like to address one more program with you before we discuss how these various programs are evaluated, and that's the TIGHT program.

Is that another acronym?

A. It is.

Q. And what does the letters in the word "TIGHT" stand for?

A. Tobacco Industry Gets Hammered by Teens.

Q. And what does the TIGHT program actually do?

A. Well, it really is an advocacy program. It's getting teens involved in understanding that they are a possible target by the industry. And teaching them some techniques for things like subliminal seduction in advertising. Understanding what the laws are in terms of billboards and signage. Understanding how to address

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the board of supervisors, for example, a city council group.

So it really empowers youth to understand how to advocate for themselves. It is paid for by the health department in our county. And I think, last I heard, there were about 1,000 youth in Contra Costa County involved in this project.

Q. Is it a project where youth voluntarily participate?

A. Yes.

Q. Is it part of the school curriculum at all?

A. No.

Q. How are children recruited for this program?

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A. I think they are recruited by other young people, by word of mouth. And I think they do little fliers and invite youth to events at lunch time and after school. It's not during the class time at all. So it's not part of the instruction.

Q. Are meetings held on school premises?

A. I think they are during the day. I know that they have an office, their own little office at the health department that's manned by youth. And they have young people who aren't high school age but who are in their early 20s to mid-20s who are leaders all over the county that sort of mentor the youth.

And they were really responsible, as I said earlier, for -- I mean, I think -- I mean, there were a lot of adults that worked on it, but I think the youth were the ones that really convinced our board of supervisors to pass the youth ordinance.

Q. What does the Contra Costa County youth ordinance do?

A. It puts licensure restrictions on the merchants, further restrictions so that if they choose to sell to minors, they would actually lose their license to sell tobacco.

And I can't remember how many days and what kind of fines are involved, but it's an ordinance on top of the merchant law that exists in the state for selling tobacco to minors.

Q. How did the children who are associated with

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TIGHT have a role in getting the youth ordinance passed?

A. Well, this was all done, as I said, exclusively -- I mean, it was done separately from any, you know, classroom kind of instruction.

I want to make that really clear. It wasn't a school, you know, a school-sponsored kind of activity. It clearly was sponsored by the health department.

And what they did was they invited groups of students to attend the board of supervisor meetings and speak on behalf of youth of Contra Costa County. They carried signs, you know, in the audience and held up the signs. And they were very articulate and very convincing to the adults on the board, you know, in terms of really wanting to protect youth from being sold tobacco products.

And strangely enough, Penal Code 308(b) kind of came into being around the same time that the youth were trying to get the ordinance passed, which really put the blame on the youth rather than looking at the people that are selling the youth tobacco products.

So they were very articulate at explaining to the board how important it would be to also make the adults selling the products to youth responsible so that it was a two-way street.

Q. Penal Code 308(b) would have citations to youth who were in possession of tobacco or tobacco paraphernalia, I think you referred to it as?

A. Yes. So that they are actually cited with a

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ticket, you know, rather than looking at the adults that they probably bought the cigarettes from. In a lot of cases, they are actually purchasing these products. So the youth wanted to see a balance there.

Q. To your knowledge, have -- strike that.

To your knowledge, has TIGHT been involved in any state ballot propositions?

A. Not to my knowledge. And again, I have not been directly involved with their efforts. I've

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only
heard about their efforts.
Q. Other than their involvement in getting the
youth ordinance passed, what other advocate-type
activities have they performed in Contra Costa County?
A. Let's see. Well, I'm remembering there was
something about billboards being a certain number of
feet away from schools, parks, community centers, places
where children congregate.
And I think that they were instrumental also in
looking at their own communities, almost doing what we
call a community map. Where they looked at their own
neighborhood and looked at the signs and the billboards
and the advertising and gathered the information, you
know, that was close to their school, or to their park,
or to their community center.
And I remember going to one meeting, in
particular, about that where that was being discussed.
And then there was an ordinance passed in our county as
well so that billboards have to be a certain number of

feet away from those kinds of places where children
congregate.
They also do presentations at conferences. And
I know that they try to -- there's a tool kit that they
were involved in developing that helps -- if another
entity like a, I don't know, like a community-based
organization or school wanted to start an advocacy

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